

**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**  
**of**  
**WAYNE COUNTY, PENNSYLVANIA**  
**TABLE OF CONTENTS**

**Article I 1.000 General Provisions**

- 1.100 Title
- 1.200 Authority and Jurisdiction
- 1.300 Purposes
- 1.400 Interpretation
- 1.500 Liability
- 1.600 Constitutional Construction

**Article II 2.000 Definitions**

- 2.100 Interpretation
- 2.200 General

**Article III 3.000 Procedures, Specifications, and Supporting Materials**

- 3.100 Minor Subdivisions and Land Developments
  - 3.101 Sketch Plan Procedures
  - 3.102 Sketch Plat Specifications
  - 3.103 Final Plan Procedures
  - 3.104 Final Plat Specifications
  - 3.105 Final Plan Supporting Materials
- 3.200 Major Subdivisions and Land Developments
  - 3.201 Sketch Plan Procedures
  - 3.202 Sketch Plat Specifications
  - 3.203 Preliminary Plan Procedures
  - 3.204 Preliminary Plat Specifications
  - 3.205 Preliminary Plan Supporting Materials
  - 3.206 Final Plan Procedures
  - 3.207 Final Plat Specifications
  - 3.208 Final Plan Supporting Materials

**Article IV 4.000 Design Standards**

- 4.100 Lots
  - 4.101 General
  - 4.102 Lot Size
  - 4.103 Building Setbacks

#### 4.200 Streets

- 4.201 General
- 4.202 Private Streets
- 4.203 Public Streets
- 4.204 Engineering Standards for Streets

- 4.300 Signs
- 4.400 Utilities
- 4.500 Survey Markers
- 4.600 Drainage Easements
- 4.700 Sewage Disposal
- 4.800 Water Supply
- 4.900 Erosion and Sedimentation
- 4.1000 Storm Water Management
- 4.1100 Flood Plain Management
- 4.1200 Commercial and Industrial Subdivisions and Land Developments
- 4.1300 Multi-Family Dwellings

#### **Article V 5.000 Special Approvals**

- 5.100 General
- 5.200 Conditional Approval
- 5.300 Addition
- 5.400 Reapproval
- 5.500 Lot of Record
- 5.600 Change in Lot Lines
- 5.700 Un-subdivision

#### **Article VI 6.000 Mobile Home Parks**

- 6.100 Classifications
- 6.200 Plat Requirements
- 6.300 Design Standards
- 6.400 Flood Plain Regulations
- 6.500 Improvements

#### **Article VII 7.000 Recreational Land Developments**

- 7.100 Classification
- 7.200 Plat Requirements
- 7.300 Design Standards
- 7.400 Flood Plain Regulations
- 7.500 Supplemental Regulations
- 7.600 Permits
- 7.700 Application to Existing Recreational Land Developments

#### **Article VIII 8.000 Modifications**

- 8.100 General
- 8.200 Applications
- 8.300 Modification Approval

**Article IX 9.000 Fees**

**Article X 10.000 Improvements**

- 10.100 Minor Subdivisions and Land Developments
- 10.200 Major Subdivisions and Land Developments

**Article XI 11.000 Improvement Guarantees**

- 11.100 Completion of Improvements or Guarantee Thereof, Prerequisite to Final Plat Approval
- 11.200 Release from Improvement Bond
- 11.300 Remedies to Effect Completion of Improvements

**Article XII 12.000 Administration, Enforcement and Penalties**

- 12.100 Amendments to the Pennsylvania Municipalities Planning Code (Act 247)
- 12.200 Amendments
- 12.300 Appeals
- 12.400 Enforcement
- 12.500 Penalties and Preventive Remedies
- 12.600 Continuation

**Article XIII 13.000 Enactment**

- 13.100 Severability
- 13.200 Repealer

## ARTICLE I

### GENERAL PROVISIONS

#### 1.000 GENERAL PROVISIONS

**1.100 TITLE** - This Ordinance shall be known and may be cited as the "Subdivision and Land Development Ordinance of Wayne County, Pennsylvania."

**1.200 AUTHORITY AND JURISDICTION** - The authority of the Wayne County Commissioners to adopt this Ordinance regulating subdivision and land development within Wayne County is granted by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended. No subdivision or land development of any lot, tract, or parcel of land shall be made, no street, sanitary sewer, storm sewer, water main, or other improvements in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance. The jurisdiction of the approval powers of this Ordinance shall be limited to land in those cities, boroughs, incorporated towns and townships wholly or partly within Wayne County which have no subdivision and land development ordinance in effect.

The Wayne County Commissioners hereby designate the Wayne County Planning Commission and the Wayne County Department of Planning as the approving bodies for subdivisions and land developments under this Ordinance. The Director of Planning, or his designee, shall be in charge of the administration of this Ordinance and shall have the power to act on the approval of all minor subdivisions and land developments as defined herein. The Wayne County Planning Commission shall have the power to act on the approval of all major subdivisions and land developments as defined herein.

1.201 As mandated by the Municipalities Planning Code, all applications for subdivision and land development located within a city, borough, incorporated town or township having adopted a subdivision and land development ordinance as set forth in the Pennsylvania Municipalities Planning Code shall be forwarded upon receipt by the local municipality to the Wayne County Department of Planning for review and report together with a fee sufficient to cover the costs of the review and report, which fee shall be paid by the applicant. Such local municipalities shall not approve such applications until the County report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County.

1.202 The provisions and requirements of these regulations shall apply to and control all subdivision and land development for which plans have not been legally recorded in the Office of the Recorder of Deeds in and for Wayne County, Pennsylvania, prior to the effective date of these regulations.

1.203 Sale of lots, issuance of building permits, or erection of buildings: no lot in a subdivision or land development may be sold or sales agreement entered into; no permit to erect, alter, or repair any building upon land in a subdivision or land development may be issued; and no building may be erected in a subdivision or land development unless and until a subdivision or land development plan has been approved in accordance with these regulations, and until the improvements required in connection therewith have either been constructed or guaranteed, as herein provided.

**1.300 PURPOSES** - It is the intent, purpose, and scope of this Ordinance to help:

- 1.301 Protect and provide for the public health, safety, and general welfare of Wayne County.
- 1.302 Guide the future growth and development of Wayne County.
- 1.303 Provide for adequate light, air, and privacy to secure safety from fire, flood, stormwater and other danger, and to prevent overcrowding of the land and undue congestion of population.
- 1.304 Protect the character and the social and economic stability of all parts of Wayne County and to encourage the orderly and beneficial development of all parts of Wayne County.
- 1.305 Protect and conserve the value of land throughout Wayne County and the value of buildings and improvements upon the land, and to minimize conflicts.
- 1.306 Guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, parks, playgrounds, recreation, and other public requirements and facilities.
- 1.307 Provide the most beneficial relationship between land and buildings and the circulation of traffic throughout Wayne County, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements, and to provide for the proper location and width of streets and building lines.
- 1.308 Establish reasonable standards of design and procedures for subdivisions and land developments in order to further the orderly layout of land, and to insure proper legal description and monumenting of subdivisions and land developments.
- 1.309 Insure that improvements for public facilities are available and will have a sufficient capacity to serve the proposed subdivision or land development.
- 1.310 Permit the County to minimize such problems as may presently exist or which may be foreseen.

**1.400 INTERPRETATION** - The provisions of this Ordinance shall be interpreted to be the minimum requirements to meet the purposes of this Ordinance. Where the zoning requirements of a municipality subject to these regulations impose differing standards, the requirements of the municipality shall take precedence.

**1.500 COUNTY LIABILITY** - The grant of approval of a subdivision or land development plan shall not constitute a representation, guarantee, or warranty of any kind by the County or by any official or employee thereof of the practicability or safety of the proposed use and shall create no liability upon the County, its officials, or employees.

**1.600 CONSTITUTIONAL CONSTRUCTION** - The provisions of this Ordinance shall be severable and, if any of its provisions shall be held to be unconstitutional, the validity of any of the remaining provisions of this Ordinance shall not be affected. It is hereby

declared as the legislative intention that this Ordinance would have been adopted had such unconstitutional provision not been included therein.

## ARTICLE II

### DEFINITIONS

#### 2.000 DEFINITIONS

##### 2.100 INTERPRETATION - Unless the context clearly indicates to the contrary:

2.101 The word shall is mandatory, the word may is optional.

2.102 Words used in the present tense include the future tense.

2.103 Words in the singular include the plural and those in the plural include the singular.

2.104 The words person, developer, subdivider, and landowner shall be construed to include corporation, partnership, firm, association, company, or other similar business entity, as well as individuals.

2.105 The word building includes structure and shall be construed as if followed by the phrase, "...or part thereof."

##### 2.200 GENERAL - For the purposes of this Ordinance, the following words and phrases shall have the meaning as given in this Article:

**ADDITION:** A subdivision of land which is created with the intent and purpose of conveying one lot to the owner of an adjoining lot, tract, or parcel. Once approved in accordance with the terms of this Ordinance, the lot to be conveyed shall be considered an integral part of the adjoining landowner's former lot and not a new lot, tract, or parcel of land, and said lot shall not be sold separately without subdivision approval at the time of any future division.

**AGENT:** A duly authorized person designated by the landowner to act on his behalf.

**ALLEY:** A public or private street right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on an approved street.

**APPLICANT:** A landowner, subdivider, or developer, as hereinafter defined, who has filed an application for subdivision or land development, including his heirs, successors, and assigns.

**BLOCK:** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

**BUILDING SETBACK LINE:** A line within a property defining the minimum required distance between any structure to be erected and the adjacent right-of-way or side and rear lot lines.

**CARTWAY:** The graded or paved portion of a street used for vehicular travel, excluding shoulders.

**CHANGE IN LOT LINES:** Any change or alteration in existing lot lines. A change in lot lines constitutes a subdivision.

**COMMISSIONERS:** The Board of Commissioners of Wayne County.

**COMMON OPEN SPACE:** A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

**COMMON/PRIVATE DRIVEWAY:** A privately owned vehicular access from a private or public street into a lot, which serves at a maximum, one (1) lot not fronting on an existing private or public street.

**CONDITIONAL APPROVAL:** A special approval of a subdivision or land development granted by the Wayne County Planning Commission with conditions attached thereto.

**COUNTY:** The County of Wayne, Commonwealth of Pennsylvania.

**COUNTY ENGINEER:** A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the County of Wayne.

**CUL-DE-SAC:** A street with only one (1) outlet which intersects another street at one (1) end and is terminated at the other in a vehicular turnaround.

**DEPARTMENT OF PLANNING:** The Wayne County Department of Planning.

**D.E.P.:** The Pennsylvania Department of Environmental Protection.

**DEVELOPER:** Any landowner, agent of such landowner, or tenant with the permission of such landowner who makes or causes to be made a subdivision or a land development.

**DEVELOPMENT PLAN:** The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this ordinance shall mean the written and graphic materials referred to in this definition.

**DIRECTOR OF PLANNING:** The Director of Planning of the Wayne County Department of Planning.

**DRIVEWAY:** A privately owned vehicular access from a private or public street into a lot(s), tract(s), or parcel(s) of land which is used or intended to be used to provide internal access for the landowner(s) and is not generally open to public use.

**EASEMENT:** A right to use the land of another for a specific purpose.

**ENGINEERING LAND SURVEYS:** Surveys for: (i) the development of any tract



of land including the incidental design of related improvements, such as line and grade extension of roads, sewers, and grading but not requiring independent engineering judgment provided, however, that tract perimeter surveys shall be the function of the Professional Land Surveyor; (ii) the determination of the configuration or contour of the earth's surface, or the position of fixed objects thereon or related thereto by means of measuring lines and angles and applying the principles of mathematics, photogrammetry or other measurement methods; (iii) geodetic survey, underground survey and hydrographic survey; (iv) storm water management surveys and sedimentation and erosion control surveys; (v) the determination of the quantities of materials; (vi) tests for water percolation in soils; and (vii) the preparation of plans and specifications and estimates of proposed work.

**FINAL PLAN:** The ultimate map and supporting material drawn and submitted as required in these regulations for a subdivision or land development.

**FINAL PLAT:** The ultimate map showing the layout of the subdivision or land development which, if approved by the planning agency, shall be stamped and signed indicating final approval and shall be the plat of record.

**FRONTAGE:** The distance measured along the street right-of-way line, between the lot side lines.

**IMPERVIOUS AREA:** Any surface which prevents the infiltration and percolation of water into the ground. This includes, but is not limited to; buildings, roads, driveways, parking areas, pavement, etc.

**IMPROVEMENTS:** Those physical additions, installation, and changes required to render land suitable for the proposed use.

**LAND DEVELOPMENT:** Any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - (i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively; or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - (ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
- (2) A subdivision of land.
- (3) Excluded from the definition of land development are:
  - (i) the conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
  - (ii) the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

**LANDOWNER:** The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in land, shall be deemed to be a landowner for the purpose of this Ordinance.

**LOCAL MUNICIPALITY:** Any city of the second class A or third class, borough, incorporated town, or township of the first class or second class.

**LOCATION MAP:** A map insert or miniaturized map of the proposed subdivision or land development placed on the plat for the purpose of locating the property as it relates to other adjoining lands of the owner, the surrounding street network, villages, and natural features.

**LOT:** A plot or parcel of land which is, or in the future may be, offered for sale, conveyance, transfer, or improvement as one (1) parcel.

**LOT AREA:** The square footage or acreage contained within the property lines of the individual plot or parcel of land.

**LOT DEPTH:** The horizontal distance between the front and rear property lines measured perpendicular to the street.

**LOT OF RECORD:** Any lot or parcel of land which is not to be considered a subdivision for any of the following reasons:

The same described lot or parcel of land was legally recorded prior to the enactment of the "Subdivision and Land Development Ordinance of Wayne County, Pennsylvania", either within a deed or upon a plat; or

Any lot or parcel of land separately described within a deed recorded in the Register and Recorder's Office of Wayne County which is not an addition; or

Any lot or parcel of land separately described on a recorded plat within the Register and Recorder's Office of Wayne County which is not an addition; or

Any lot or parcel of land which is all of the remaining land following a subdivision or land development.

**LOT WIDTH:** The horizontal distance between the two (2) property side lines measured parallel to the street.

**MAJOR SUBDIVISIONS OR LAND DEVELOPMENTS:** All subdivisions and land developments not classified as minor subdivisions and land developments.

**MINOR SUBDIVISIONS OR LAND DEVELOPMENTS:** All subdivisions and land developments which meet the criteria specified in Section 3.100.

**MOBILEHOME (MANUFACTURED HOME):** A transportable, single family dwelling

intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a lot complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

**MOBILEHOME LOT:** A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome

**MOBILEHOME PARK:** A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.

**MODIFICATIONS:** An adjustment to some regulation which, if strictly adhered to, would result in an unnecessary hardship, not including financial, and where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of this Ordinance.

**MUNICIPALITY:** Any city of the second class A or third class, borough, incorporated town, township of the first or second class, county of the second class through eighth class, or any similar general purpose unit of government which shall hereafter be created by the General Assembly.

**NEWLY CREATED LOT:** Any lot or parcel created by the subdividing of a larger parcel that has no previous record of existence, either in the form of a deed description, recorded map, or by any other legal means.

**ONE-HUNDRED YEAR FLOOD PLAIN:** The one-hundred (100) year floodway and that maximum area of land that is likely to be flooded by a one-hundred (100) year flood shown on flood plain maps approved or promulgated by the United States Department of Housing and Urban Development.

**PLANNING AGENCY:** A planning commission, planning department, or a planning committee of the governing body.

**PLANNING COMMISSION:** The Wayne County Planning Commission.

**PLAT:** The map of a subdivision or land development, whether sketch, preliminary, or final.

**PRACTICE OF LAND SURVEYING:** The practice of that branch of the profession of engineering which involves the location, relocation, establishment, re-establishment, or retracement of any property line or boundary of any parcel of land or any street right-of-way, easement, or alignment; the use of principles of land surveying, determination of the position of any monument or reference point which marks a property line boundary, or corner setting, resetting, or replacing any such monument or individual point including the writing of deed descriptions; procuring or offering to procure land surveying work for himself or others; managing or conducting as managers, proprietors, or agent any place of business from which land surveying work is solicited, performed, or practiced; the performance of the foregoing acts and services being prohibited to persons who are not granted certificates of registration as a professional land surveyor unless exempt under other provisions of the Engineer, Land

Surveyor, and Geologist Registration Act.

**PRELIMINARY PLAN:** The design map and supporting material drawn and submitted as required in these regulations for a proposed subdivision or land development.

**PRELIMINARY PLAT:** The design map showing the proposed layout of the subdivision or land development which, if approved by the planning agency, shall be stamped and signed indicating preliminary approval. The preliminary plat which has been approved is not for recording purposes.

**PRIVATE STREET:** A street, road, access, easement, or right-of-way used for access which is not being dedicated or offered for dedication to a local municipality and which will be owned and maintained by the landowner or another person.

**PROFESSIONAL ENGINEER:** An individual licensed and registered under the laws of this Commonwealth to engage in the practice of engineering. A professional engineer may not practice land surveying. A professional engineer may perform engineering land surveys.

**PROFESSIONAL LAND SURVEYOR:** An individual licensed and registered under the laws of this Commonwealth to engage in the practice of land surveying. A professional land surveyor may perform engineering land surveys but may not practice any other branch of engineering.

**PUBLIC NOTICE:** Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the County. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

**PUBLIC STREET:** A street, road, access, easement, or right-of-way used for access which is dedicated to the local municipality, constructed to the standards of the local municipality, and which will be maintained by the local municipality.

**REAPPROVAL:** The act of reapproving a plat lot or parcel of land which had been approved but not recorded in the Register and Recorder's Office of Wayne County within the ninety (90) days as required by this Ordinance.

**RECREATIONAL LAND DEVELOPMENT:** The division or re-division of a lot, tract or parcel of land, by any means, into two or more lots, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, rent, sale or transfer of ownership, for the purpose of providing a site for travel trailers, truck campers, camper trailers, motor homes and tents, for transient use. Campgrounds, recreational vehicle parks, primitive camping facilities and other similar facilities shall fall under this definition. This definition is not, however, intended to cover second-home communities of single-family dwellings or mobile home parks.

Transient recreational subdivisions or land developments – are publicly operated facilities, or businesses, offering sites with the usual accessory recreational and service facilities, not normally including eating facilities, for use for tent camping and/or recreational vehicle camping by the public at large on a transient basis. Sites are rented on a daily or weekly basis.

Non-transient recreational subdivisions or land developments – are planned private communities with recreational and service facilities, including central water and sewage and usually a restaurant and/or bar, lounge, chapel, and community hall, for use only by occupants of tent and/or recreational vehicle sites within the campground. Sites may be owned in common, or may be owned individually by deed conveyance, or may be leased on an annual basis.

**RECREATIONAL VEHICLE:** A vehicular unit primarily designed as temporary living quarters for recreational camping or travel use, which either has its own automotive power or is mounted on, or drawn by, another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home.

**REGULATORY FLOOD ELEVATION:** The one-hundred (100) year flood elevation plus a free board safety factor of 1-1/2 feet.

**RIGHT-OF-WAY:** The right of use which is reserved and/or conveyed as an easement or a public thoroughfare for vehicular and/or pedestrian traffic.

**SEWAGE DISPOSAL-CENTRAL-** A sewage collection and disposal system in which sewage is carried from more than one individual lot, by a system of pipes to a central treatment plant which involves a point discharge to the waters of the commonwealth; in compliance with the applicable Pennsylvania Department of Environmental Protection regulations.

**SEWAGE DISPOSAL -SUBSURFACE** - A system of piping, tanks or other facilities serving one or more lots and collecting, treating and disposing of sewage, in whole or in part into or onto the soil for final disposal in compliance with the applicable Pennsylvania Department of Environmental Protection regulations. Examples include; conventional in ground systems, sand mounds, spray irrigation systems or other similar community systems.

**SKETCH PLAN:** An informal plan indicating existing features of a tract and its surroundings and the general layout of the proposed subdivision or land development presented for discussion purposes only and not for approval.

**SKETCH PLAT:** An informal map indicating existing features of a tract and its surroundings and the general layout of the proposed subdivision or land development presented for discussion purposes only and not for approval.

**STREET:** Includes street, avenue, tollway, boulevard, road, highway, freeway, parkway, lane, alley, and any other way used or intended to be used by vehicular traffic, whether public or private, not including driveways.

**STRUCTURE:** Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. (Excluding

fences, sewage systems and utility lines).

**SUBDIVIDER:** Any landowner, or agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land.

**SUBDIVISION:** The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**UN-SUBDIVISION:** The act of eliminating an existing subdivision by combining lots or parcels of land into one (1) deed describing the entire tract as one (1) lot or parcel.

## ARTICLE III

### PROCEDURES, SPECIFICATIONS, AND SUPPORTING MATERIALS

- 3.000 **PROCEDURES, SPECIFICATIONS AND SUPPORTING MATERIALS** - From the date of enactment of this Ordinance, the following procedures, specifications, and supporting materials shall be observed by all subdividers and developers.
- 3.100 **MINOR SUBDIVISIONS AND LAND DEVELOPMENTS** - A minor subdivision or land development requires a final plan, but a sketch plan is optional. In determining the number of lots, each newly created lot from the parent parcel, since the adoption of this Ordinance on November 7, 2002, shall be counted, including the parent parcel. Once the number of lots exceeds ten (10) whether in one (1) submission or over a period of time and several submissions, the said subdivision or land development shall no longer be a minor subdivision or land development. Any subdivision or land development shall be considered a minor subdivision only if it meets all of the following requirements:
- 3.100.1 Contains ten (10) lots or less.
  - 3.100.2 Fronts on an existing street.
  - 3.100.3 Does not involve the construction of any new streets.
  - 3.100.4 Does not involve the construction that results in the extension of public or private water service facilities.
  - 3.100.5 Does not involve the construction that results in the extension of public or private sewer service facilities.
  - 3.100.6 Does not involve the creation of any improvements other than survey lot markers in a subdivision.
  - 3.100.7 Does not landlock or limit the ultimate use of interior adjacent land.
  - 3.100.8 Does not conflict with any provision or portion of the master plan, official map, or zoning ordinance or these regulations.
  - 3.100.9 Is not a mobilehome park or a recreational land development.
  - 3.100.10 Is exempt from stormwater management requirements as defined in Section 4.1000.
- 3.101 **SKETCH PLAN PROCEDURES:** Any subdivider or developer may, prior to subdividing or developing land as defined in this Ordinance, submit to the Department of Planning a sketch plat showing the information required in Section 3.102. A sketch plan is informal and for informational or advisory purposes only. A sketch plan submission shall consist of two (2) copies of the plat and a letter of intent stating that it is only a sketch plan. The submission of a sketch plan shall not constitute an official submission of a plan to the Department of Planning and no formal action is mandated.
- 3.102 **SKETCH PLAT SPECIFICATIONS:** The sketch plat shall be at a sufficient scale to

show the entire tract on one (1) sheet and should show or include the following:

3.102.1 Location map.

3.102.2 The location and proposed layout of that portion which is to be subdivided or developed in relation to the entire tract.

3.102.3 All existing structures within the portion to be subdivided or developed.

3.102.4 The name and mailing address of the landowner and the names of all adjoining property owners (including those across streets) as disclosed by the most recent deed and tax records.

3.102.5 All streets, streams, and water, sewage, gas, and power lines in the tract of land.

3.102.6 The tentative layout of the remainder of the tract owned by the subdivider or developer, if any.

3.102.7 Name of local municipality and county in which tract is located.

3.102.8 North arrow.

3.102.9 Graphic scale.

3.102.10 Date map was drawn.

3.103 **FINAL PLAN PROCEDURES:** The applicant shall submit eight (8) copies of the final plat and the applicable number of copies of all supporting material as specified in Section 3.105 to the Department of Planning. Only original unaltered prints of the plat shall be accepted. Copies of the plans may be distributed to other reviewing agencies as may be appropriate.

3.103.1 All applicable items listed in Section 3.104 and 3.105 shall be required for a complete submittal.

3.103.2 The Director of Planning, or his designee, shall review the final plan to determine its conformance with the requirements and standards contained in this Ordinance.

3.103.3 All applications for final approval shall be acted upon by the Director of Planning, or his designee, and he shall render his decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Planning Commission next following the date the application is filed, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth day following the day the application has been filed. The decision shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.

3.103.4 If the final plan is approved, each copy of the plat shall be stamped and signed. **Two (2) copies** shall be forwarded to the local municipality. One (1) copy shall



be forwarded to D.E.P. by the municipality. One (1) copy shall be retained and placed in the Department of Planning's files. The remaining copies shall be returned to the applicant.

3.103.5 The applicant shall record the approved plat with the Register and Recorder's Office of Wayne County, Pennsylvania within ninety (90) days from the date of approval placed on the approved plat. The approval shall be deemed to have lapsed if the applicant has failed to record the approved plat within that time period. The Register and Recorder's Office shall not accept any plat for recording unless such plat officially notes the approval of the Department of Planning.

3.104 **FINAL PLAT SPECIFICATIONS:** The final plat shall be clearly and legibly drawn on a sheet or multiple sheets (with match lines) not more than 2'x3' and not less than 11"x17". The plat shall be designed in compliance with applicable provisions of this Ordinance, and shall show the following information:

3.104.1 Location map.

3.104.2 Title block, containing name of owner, name of municipality and county.

3.104.3 Name, mailing address, and phone number of present landowner.

3.104.4 Name, mailing address, and phone number of applicant if different from landowner.

3.104.5 Subdivision or Land Development name, if any.

3.104.6 Current tax map and parcel identification number of tract.

3.104.7 Current deed book and page identification number of tract.

3.104.8 Boundaries of the tract and approximate location of abutting properties.

3.104.9 The names of all adjoining property owners (including those across streets) as disclosed by the most recent deed and tax records.

3.104.10 Graphic scales.

3.104.11 Reference meridian - North arrow indicating true, magnetic, or other source.

3.104.12 Date map was drawn and dates of all revisions.

3.104.13 All existing and proposed lot lines, with accurate dimensions and bearings of straight lines and radii, arcs, and central angles of curved lines.

3.104.14 Each lot identified by number and/or letter.

3.104.15 Area of each proposed lot.

3.104.16 Total area remaining in parent parcel, if any.

- 3.104.17 The location of all existing streets, with information concerning right-of-way widths, types of street surfaces, and street names. In applications requiring access to a highway under the jurisdiction of the Department of Transportation, the final "plat" shall contain the following statement: "A highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the State Highway Law," before driveway access to a state highway is permitted.
- 3.104.18 The location and identification of all existing bodies of water, water courses with direction of flow, buildings, drain pipes, culverts, sewer lines, sewage systems, test pit(s) and percolation holes, water lines, water wells, oil wells, gas wells, gas lines, power lines, telephone lines, structures, public facilities, and any other significant man-made or natural features on the tract to be subdivided or developed.
- 3.104.19 The location, dimension, and purpose of easements or other rights-of-way including any limitations on their use.
- 3.104.20 The location, dimension, and identification of building setback lines.
- 3.104.21 Name, mailing address, signature, and title of person who prepared the map if done by someone other than the professional(s) who certified the plan.
- 3.104.22 A blocked out area approximately 5"x5" shall be provided which shall be free of all writing and drawing, for use by the Department of Planning to stamp any approval.
- 3.104.23 Where the subdivision or land development lies partially or completely in any designated one-hundred (100) year flood plain, those areas shall be identified and the boundaries accurately shown.
- 3.104.24 A site data table listing the following: total acreage; number of lots; zoning districts, if any; proposed water service facilities; proposed sewer service facilities and total impervious area of minor land developments.
- 3.104.25 Location and type of all lot corners and other permanent monuments, designating which have been set in place or found.
- 3.104.26 Name, mailing address, original certification by stamp or seal, and original signature of the professional(s) who certified the map and/or survey. Each print shall be individually signed and sealed or stamped by the appropriate professional(s) certifying the plat. Land surveys must be certified by a professional land surveyor.
- 3.104.27 All existing and proposed uses shall be noted for all lots.
- 3.104.28 Contour lines for land developments at a minimum of 5 feet.
- 3.104.29 The final plat for a minor land development shall contain the following statement:

"[The applicant] certifies the information contained in this application is true and correct. Alteration from this approved plan by the present or future

owners is a violation of the Wayne County Subdivision and Land Development Ordinance. Changes in the scope and/or limits of the project and its features will require a new application to be submitted.

[signature of applicant]"

This statement must appear on the map with an original signature of the applicant on every copy submitted for approval.

**3.105 FINAL PLAN SUPPORTING MATERIALS:** The following items shall be submitted by the applicant in support of and as a part of the final plan:

3.105.1 A letter of intent, signed by the applicant, including a statement that the application is for final approval and clearly indicating which lots are to be included for consideration. The letter shall authorize that county officials or their representatives can enter the property for inspections required by the application. The letter should concisely explain the scope of the proposal. One (1) original only is required.

3.105.2 All applicable fees as required in Article IX of this Ordinance.

3.105.3 The completed appropriate components of the D.E.P. "Planning Module for Land Development" to meet the requirements of the Pennsylvania Sewage Facilities Act and the Clean Streams Act. All items must be either filled in or marked non-applicable (n/a). The original and two copies, with attachments shall be submitted. The original along with one (1) copy shall be forwarded to the local municipality. The municipality shall forward the original to D.E.P. after they take action. One copy shall be retained by the County for their files.

3.105.4 Sewage Service Facilities

3.105.4.1 If sewage service is proposed by means of a hook-up to an existing line by the applicant for this subdivision or land development, one (1) copy of a letter from the sewer authority or sewer company in whose service area the subdivision or land development is located stating that they will provide sewage service to this subdivision or land development.

3.105.5 Water Service Facilities

3.105.5.1 If water service is proposed by means of a hook-up to an existing line by the applicant for this subdivision or land development, one (1) copy of a letter from the water authority or water company in whose service area the subdivision or land development is located stating that they will provide water service to this subdivision or land development.

3.105.6 If applicable, the type, location and extent of all erosion and sedimentation control measures shall be shown on an erosion and sedimentation control plan that conforms to the requirements of Chapter 102 (Erosion and Sediment Pollution Control) of Title 25 Rules and Regulations of the PA DEP. Evidence of compliance with Chapter 102 can normally be satisfied with a letter of approval from the Wayne Conservation District.

3.105.7 Where the said subdivision or land development lies partially or completely in any designated one-hundred (100) year flood plain, the applicant shall submit plans showing the relationship of the subdivision or land development with respect to the elevations and extent of flood plain areas as shown on the local municipality's flood plain maps provided by the Federal Emergency Management Agency. The plans shall include a description as to how the subdivision or land development will be made to comply with the local municipality's flood plain management regulations, if any. One (1) copy of plans shall be submitted.

3.105.8 For additions and lot improvements; supporting data as required in Section 5.302 of this ordinance.

3.105.9 In order to complement the Wayne County enhanced 9-1-1 system, approved addresses for each lot must be obtained.

3.200 **MAJOR SUBDIVISIONS AND LAND DEVELOPMENTS** - Any subdivision or land development which is not classified as a minor subdivision or land development in Section 3.100 shall be considered as a major subdivision or land development. For a major subdivision or land development; a sketch plan is optional, both a preliminary plan and a final plan are generally mandatory.

3.201 **SKETCH PLAN PROCEDURES:** Any subdivider or developer may, prior to subdividing or developing land as defined in this Ordinance, submit to the Department of Planning a sketch plat showing the information required in Section 3.202. A sketch plan is informal and for informational or advisory purposes only. A sketch plan submission shall consist of two (2) copies of the plat and a letter of intent stating that it is only a sketch plan. The submission of a sketch plan shall not constitute an official submission of a plan to the Department of Planning and no formal action is mandated.

3.202 **SKETCH PLAT SPECIFICATIONS:** The sketch plat shall be at a sufficient scale to show the entire tract on one (1) sheet and should show or include the following:

3.202.1 Location map.

3.202.2 The location and proposed layout of that portion which is to be subdivided or developed in relation to the entire tract.

3.202.3 All existing structures within the portion to be subdivided or developed.

3.202.4 The name and address of the landowner and the names of all adjoining property owners as disclosed by the most recent deed and tax records.

3.202.5 All streets, streams, and water, sewage, gas, and power lines in the tract of land.

3.202.6 The tentative layout of the remainder of the tract owned by the subdivider or developer, if any.

3.202.7 Name of local municipality and county in which tract is located.

3.202.8 North arrow.

3.202.9 Graphic scale.

3.202.10 Date map was drawn.

3.203 **PRELIMINARY PLAN PROCEDURES:** The applicant shall submit eight (8) copies of the preliminary plat and the applicable number of copies of all supporting material as specified in Section 3.205 to the Department of Planning. Only original unaltered prints of the plat shall be accepted.

3.203.1 All applicable items listed in Sections 3.204 and 3.205 shall be required for a complete submittal.

3.203.2 The Director of Planning, or his designee, and the Planning Commission shall review the preliminary plan to determine its conformance with the requirements and standards contained in this Ordinance.

3.203.3 All applications for preliminary approval shall be acted upon by the Planning Commission which shall render its decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Planning Commission next following the date the application is filed, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth day following the day the application has been filed. The decision shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.

3.203.4 If the preliminary plan is approved, each copy of the plat shall be stamped and signed. At least three (3) copies shall be returned to the applicant. Two (2) copies shall be forwarded to the local municipality, of which one (1) copy shall be forwarded to D.E.P. by the municipality. The remaining one (1) copy shall be retained and placed in the Department of Planning's files.

3.203.5 When a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with terms of the approved preliminary application as hereinafter provided. When an application for approval of a plat, whether preliminary or final, has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the zoning, subdivision, or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. When final approval is preceded by preliminary approval, the five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the

terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.

3.203.6 If an application is properly denied, any subsequent application shall be subject to any intervening changes in governing regulations.

3.203.7 Approval of the preliminary plan by the Planning Commission constitutes approval of the subdivision or land development as to the character of the development, general layout, approximate dimension of streets and lots, and other planned features as required by this Ordinance. The approval binds the applicant to the general scheme of the subdivision or land development shown and permits the applicant to proceed with the installation of site improvements, subject to obtaining work permits and plan approvals from utility companies, federal and state agencies, the municipality, and other agencies where required.

3.203.8 Approval of the preliminary plan does not authorize the sale of lots or the recording of the preliminary plat.

3.203.9 The approved preliminary plan shall be effective for five (5) years from the date of preliminary approval. Failure of the applicant to submit the final plan within this period of time may make the approval of the preliminary plan null and void if there were changes to these regulations during those 5 years.

3.204 **PRELIMINARY PLAT SPECIFICATIONS:** The preliminary plat shall be clearly and legibly drawn on a sheet or multiple sheets (with match lines) not more than 2'x3' and not less than 11" X 17". The plat shall be designed in compliance with applicable provisions of this Ordinance, and shall show the following information:

3.204.1 Location map.

3.204.2 Title block, containing name of owner, name of municipality and county.

3.204.3 Name, mailing address, and phone number of present landowner.

3.204.4 Name, mailing address, and phone number of applicant, if different from landowner.

3.204.5 Subdivision or Land Development name, if any.

3.204.6 Current tax map and parcel identification number of tract.

3.204.7 Current deed book and page identification number of tract.

3.204.8 Boundaries of the tract and approximate location of abutting properties.

3.204.9 The names of all adjoining property owners (including those across streets) as disclosed by the most recent deed and tax records.

- 3.204.10 Graphic scale.
- 3.204.11 Reference meridian - North arrow indicating true, magnetic, or other source.
- 3.204.12 Date map was drawn and dates of all revisions.
- 3.204.13 All existing and proposed lot lines, with approximate dimensions of straight lines and radii of curved lines.
- 3.204.14 Each lot identified by number and/or letter.
- 3.204.15 Approximate area of each proposed lot.
- 3.204.16 Approximate total area remaining in parent parcel, if any.
- 3.204.17 The location of all existing streets, with information concerning right-of-way widths, types of street surfaces, and street names.
- 3.204.18 The location and identification of all existing bodies of water, water courses with direction of flow, buildings, drain pipes, culverts, sewer lines, sewage systems, test pit(s) and percolation holes, water lines, water wells, oil wells, gas wells, gas lines, power lines, telephone lines, structures, public facilities, and any other significant man-made or natural features on the tract to be subdivided or developed.
- 3.204.19 The approximate location, dimension, and purpose of existing easements or other rights-of-way including any limitations on their use.
- 3.204.20 The approximate location, dimension, and identification of building setback lines.
- 3.204.21 Name, mailing address, signature, and title of person who prepared the map. If applicable, the plat(s) should contain the certification (original signature and original seal or stamp) of the professional(s) certifying the information on the plat.
- 3.204.22 A blocked out area approximately 5"x 5" shall be provided which shall be free of all writing and drawing, for use by the Planning Commission to stamp any approval.
- 3.204.23 Where the subdivision or land development lies partially or completely in any designated one-hundred (100) year flood plain, those areas shall be identified and the boundaries accurately shown.
- 3.204.24 A site data table listing the following: total acreage; proposed number of lots; lineal feet of new streets; zoning districts, if any; proposed water service facilities; proposed sewer service facilities and total impervious area for land developments.
- 3.204.25 Any common open space reserved.

- 3.204.26 Proposed street lines, right-of-way lines, and easements indicating dimensions, purposes, and any limitations on their use.
- 3.204.27 Names of proposed streets.
- 3.204.28 Approximate location of any proposed water, sanitary sewer, and storm sewer lines.
- 3.204.29 Contour lines, stating whether derived from a field survey or based on U.S.G.S. topographic maps, with a maximum 20 foot interval.
- 3.204.30 All existing and proposed uses shall be noted for all lots.
- 3.205 **PRELIMINARY PLAN SUPPORTING MATERIALS:** The following items shall be submitted by the applicant in support of and as a part of the preliminary plan:
  - 3.205.1 A letter of intent, signed by the applicant, including a statement that the application is for preliminary approval and clearly indicating which lots are to be included for consideration. The letter shall authorize that county officials or their representatives can enter the property for inspections required by the application. The letter should concisely explain the scope of the proposal. One (1) original only is required.
  - 3.205.2 All applicable fees as required in Article IX of this Ordinance.
  - 3.205.3 The completed appropriate components of the D.E.P. "Planning Module for Land Development" to meet the requirements of the Pennsylvania Sewage Facilities Act and the Clean Streams Act. All items must be either filled in or marked non-applicable (n/a). The original and two copies, with attachments shall be submitted. The original along with one (1) copy shall be forwarded to the local municipality. The municipality shall forward the original to D.E.P. after they take action. One copy shall be retained by the County for their files.
    - 3.205.3.1 One (1) copy of evidence (usually in the form of a letter) that D.E.P. has reviewed and accepted the subdivision or land development as an amendment to the local municipality's Official Plan in accordance with the provisions of the Pennsylvania Sewage Facilities Act and Chapter 71, Administration of the Sewage Facilities Program; or
    - 3.205.3.2 If the evidence in Section 3.205.3.1 has not been submitted, any preliminary approval of a subdivision or land development shall be conditioned upon the approval of the Planning Module(s) for Land Development by the local municipality as an amendment to the local municipality's Official Plan and the approval of that amendment by D.E.P. If the local municipality and/or D.E.P. has disapproved or not granted these approvals within six (6) months of the date of preliminary approval, the preliminary approval shall automatically become null and void.



#### 3.205.4 Streets

- 3.205.4.1 Cross-section drawings for all proposed streets showing rights-of-way, cartways, shoulders, materials, ditches, and proposed cuts and fills; including accurate dimensions and slopes; also showing curbs, sidewalks, planting strips, etc. when required. Six (6) copies of drawings shall be submitted, one (1) of which shall be returned to the applicant.
- 3.205.4.2 Centerline profile drawings of all proposed streets showing both existing and proposed grades. Six (6) copies of drawings shall be submitted, one (1) of which shall be returned to the applicant.
- 3.205.4.3 One (1) copy of an occupancy permit obtained from the Department of Transportation for state roads or from the local municipality for local municipal streets shall be presented, where applicable.
- 3.205.4.4 Designs of proposed bridges and culverts, or a statement that there are none proposed. Six (6) copies of drawings shall be submitted, one (1) of which shall be returned to the applicant.
- 3.205.4.5 A copy of a letter from the local municipality indicating they have reviewed the road plans and approved the design as proposed in the preliminary application.

#### 3.205.5 Storm Water Management Facilities

- 3.205.5.1 A storm water management plan is required for all major subdivisions and land developments except as may be exempted by Section 4.1000. The plan shall provide for the implementation, construction, and maintenance of such measures and devices consistent with the provisions of the applicable D.E.P. laws and regulations and/or municipal watershed storm water plan as are reasonably necessary to prevent injury to health, safety, and property. Such measures and devices shall include such actions as are required to manage the quantity, velocity, and direction of resulting storm water runoff in a manner which adequately protects health, safety, and property from possible injury.
- 3.205.5.2 Drawings of existing and proposed facilities for storm water management, including grades, dimensions, materials, calculations, etc. Six (6) copies of drawings shall be submitted, one (1) of which shall be returned to the applicant.

3.205.6 Water Service Facilities - The applicant shall provide evidence of the availability of water to each lot by complying with and providing the required information pertaining to one of the methods listed in the following subsections:

3.205.6.1 When water service to the proposed subdivision or land development is to be provided by connecting to an existing public or private central system, the applicant shall submit a letter from the owner or operator of the system which states that they can provide the subdivision or land development with water and lists the source of supply. Plans and profiles of the proposed water distribution system shall be submitted showing: materials; pipe sizes; location of lines, valves, and fire hydrants; and accurate grades, dimensions, and depths. Six (6) copies of drawings shall be submitted, one (1) of which shall be returned to the applicant.

3.205.6.2 When water service to the proposed subdivision or land development is to be provided by a new public or private central system, the applicant shall supply a report specifying the following items: proposed source of water supply; a statement from the appropriate Delaware or Susquehanna River Basin Commission indicating their awareness of this proposal and the requirements, if any, which the applicant must meet; a statement from D.E.P. indicating their awareness of this proposal and the requirements, if any, which the applicant must meet; a statement from the Pennsylvania Public Utility Commission indicating their awareness of this proposal and the requirements, if any, which the applicant must meet; and a statement from the applicant specifying who will own the system and who and how responsibility for the maintenance of the system will be provided. Plans and profiles of the proposed water distribution system shall be submitted showing: materials; pipe sizes; location of lines, valves, and fire hydrants; and accurate grades, dimensions, and depths. Six (6) copies of drawings shall be submitted, one (1) of which shall be returned to the applicant.

3.205.6.3 When connection to an existing system or construction of a new system cannot feasibly be accomplished, individual on-lot water supply systems may be utilized.

3.205.6.4 Where the applicant proposes water service other than in one of the three ways above, the applicant shall submit a narrative describing the proposed method with appropriate plans and specifications. Six (6) copies of drawings shall be submitted, one (1) of which shall be returned to the applicant.

3.205.7 Sewer Service Facilities - The applicant shall submit evidence that sewage service for each lot shall be provided by complying with and providing the required information pertaining to one of the methods listed in the following subsections:

3.205.7.1 When sewer service to the proposed subdivision or land development is to be provided by connecting to an existing public or private central collection and treatment system, the applicant shall submit a letter from the owner or operator of the

system which states that they will accept the sewage flows generated by the proposed subdivision or land development. Plans and profiles of the proposed sewerage system shall be submitted showing: material; pipe sizes; location of manholes; accurate grades, dimensions, and depths; and other pertinent information. The requirements found in this Subsection are intended to be in addition to the sewage planning requirements found in Section 3.205.3; however, it is not necessary to submit information under this Subsection which has been made a part of the submission under Section 3.205.3. Six (6) copies of drawings shall be submitted, one (1) of which shall be returned to the applicant.

3.205.7.2 When sewer service to the proposed subdivision or land development is to be provided by a new public or private central collection and treatment system, the applicant shall submit plans and profiles of the proposed sewage system showing materials; pipe sizes; location of manholes; accurate grades, dimensions, and depths; and other pertinent information. The requirements found in this Subsection are intended to be in addition to the sewage planning requirements found in Section 3.205.3; however, it is not necessary to submit information under this Subsection which has been made a part of the submission under Section 3.205.3. Six (6) copies of drawings shall be submitted, one (1) of which shall be returned to the applicant.

3.205.7.3 When connection to an existing system or construction of a new system cannot feasibly be accomplished, individual on-lot sewage systems may be utilized. The items submitted to meet the requirements of Section 3.205.3 shall constitute the plans under this Subsection. The location and construction of individual on-lot sewer systems shall meet the requirements of D.E.P.

3.205.7.4 When the applicant proposes sewer service other than in one of the three ways above, the applicant shall submit a narrative describing the proposed method with appropriate plans and specifications. Six (6) copies of drawings shall be submitted, one (1) of which shall be returned to the applicant.

#### 3.205.8 Electric Service Facilities

3.205.8.1 One (1) copy of a letter from the electric utility company in whose service area the subdivision or land development is located stating that they will provide electric service to this subdivision or land development.

#### 3.205.9 Telephone Service Facilities

3.205.9.1 One (1) copy of a letter from the telephone company in whose service area the subdivision or land development is located stating that they will provide telephone service to this subdivision or land development.

### 3.205.10 Gas Service Facilities

3.205.10.1 If gas service is proposed by the applicant for this subdivision or land development, one (1) copy of a letter from the gas company in whose service area the subdivision or land development is located stating that they will provide gas service to this subdivision or land development.

### 3.205.11 Cable Television Service Facilities

3.205.11.1 If cable television service is proposed by the applicant for this subdivision or land development, one (1) copy of a letter from the cable television company in whose service area the subdivision or land development is located stating that they will provide cable television service to this subdivision or land development.

3.205.12 If the applicant proposes to dedicate all or some portion of the amenities and/or facilities to the local municipality at some future date, the applicant shall submit a narrative description of how responsibility for maintenance and care of those amenities and/or facilities shall be handled during the period before the offer of dedication to the local municipality. In no event shall the local municipality be bound to accept dedication of such amenities and/or facilities if, at the time of offer of dedication, they do not meet the standards of the local municipality as they exist at that time.

3.205.13 If applicable, the type, location and extent of all erosion and sedimentation control measures shall be shown on an erosion and sedimentation control plan that conforms to the requirements of Chapter 102 (Erosion and Sediment Pollution Control) of Title 25 Rules and Regulations of the PA DEP. Evidence of compliance with Chapter 102 can normally be satisfied with a letter of approval from the Wayne Conservation District.

3.205.14 Where the subdivision or land development lies partially or completely in any designated one-hundred (100) year flood plain, the applicant shall submit plans showing the relationship of the subdivision or land development with respect to the elevations and extent of flood plain areas as shown on the local municipality's flood plain maps provided by the Federal Emergency Management Agency. The plans shall include a description as to how the subdivision or land development will be made to comply with the local municipality's flood plain management regulations, if any. One (1) copy of plans shall be submitted.

3.205.15 All major subdivisions of more than twelve lots involving common elements, i.e. real estate within a planned community that is either owned by a property owners association (POA) or maintained, regulated, or managed by the POA for the benefit of the lot owners, and all land developments involving unit ownership, shall be required to establish a POA in conformity with the PA Uniform Planned Community Act, 68 Pa.C.S.A. Section 5101et seq.

- 3.206 **FINAL PLAN PROCEDURES:** The applicant shall submit eight (8) copies of the final plat and the applicable number of copies of all supporting material as specified in Section 3.208 to the Department of Planning. Only original unaltered prints of the plat shall be accepted. Such submission shall be made within five (5) years from the date of preliminary approval. Failure of the applicant to submit the final plan within this period of time may make the approval of the preliminary plan null and void if there were changes to these regulations during those five years. The Planning Commission may extend this time limit at their discretion upon receipt of a written request from the applicant prior to the expiration of the time limit, describing in detail the reasons for the necessity of this extension of time.
- 3.206.1 Generally no major subdivision or land development, or portion thereof, shall be considered for final approval unless it has a valid preliminary approval in effect.
- 3.206.2 Application for final approval may be submitted in sections or stages of development involving portions of the approved preliminary plan if so desired by the applicant. The Planning Commission shall review the application and determine what, if any, requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the subdivision or land development. In determining these requirements or guarantees, the Planning Commission shall insure that each section or stage shall relate logically and provide continuity of access, extension of utilities, and availability of amenities and services. The requirements or guarantees as determined shall become a part of the requirements of this Ordinance which shall be met by the applicant prior to the granting of final approval by the Planning Commission and shall carry the same weight as if they had been incorporated into the Ordinance at the time of adoption.
- 3.206.3 The final plan shall conform to the approved preliminary plan. Where, in the opinion of the Planning Commission, there have been significant modifications or changes to the approved preliminary plan, final approval shall be denied and the applicant shall be required to resubmit the subdivision or land development for preliminary approval.
- 3.206.4 All applicable items listed in Section 3.207 and 3.208 shall be required for a complete submittal.
- 3.206.5 The Director of Planning, or his designee, and the Planning Commission shall review the final plan to determine its conformance with the requirements and standards contained in this Ordinance.
- 3.206.6 All applications for final approval shall be acted upon by the Planning Commission which shall render its decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Planning Commission next following the date the application is filed, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth day following the day the application has been filed. The

decision shall be in writing and shall be communicated to the applicant personally or mailed to him at his last know address not later than fifteen (15) days following the decision.

- 3.206.7 If the final plan is approved, each plat shall be stamped by the chairman or vice-chairman or temporary chairman of the Planning Commission and signed. At least three (3) copies shall be returned to the applicant. One (1) copy shall be forwarded to the local municipality. One (1) copy shall be forwarded to D.E.P. The remaining one (1) copy shall be retained and placed in the Department of Planning's files.
- 3.206.8 The applicant shall record the approved plat with the Register and Recorder's Office of Wayne County, Pennsylvania within ninety (90) days from the date of approval placed on the approved plat. The approval shall be deemed to have lapsed if the applicant has failed to record the approved plat within that time period. The Register and Recorder's Office shall not accept any plat for recording unless such plat officially notes the approval of the Planning Commission.
- 3.206.9 The completion of improvements as set forth in Article X or a suitable guarantee thereof as set forth in Article XI is a prerequisite to final plan approval.
- 3.207 **FINAL PLAT SPECIFICATIONS:** The final plat shall be clearly and legibly drawn on a sheet or multiple sheets (with match lines) not more than 2'x3' and not less than 11" x 17". The plat shall be designed in compliance with applicable provisions of this Ordinance, and shall show the following information:
  - 3.207.1 Location map.
  - 3.207.2 Title block containing name of owner, name of municipality and county.
  - 3.207.3 Name, mailing address, and phone number of present landowner.
  - 3.207.4 Name, mailing address, and phone number of applicant, if different from landowner.
  - 3.207.5 Subdivision or land development name, if any.
  - 3.207.6 Current tax map and parcel identification number of tract.
  - 3.207.7 Current deed book and page identification number of tract.
  - 3.207.8 Boundaries of the tract and approximate location of abutting properties.
  - 3.207.9 The names of all adjoining property owners (including those across streets) as disclosed by the most recent deed and tax records.
  - 3.207.10 Graphic scale.
  - 3.207.11 Reference meridian - North arrow indicating true, magnetic, or other source.

- 3.207.12 Date map was drawn and dates of all revisions.
- 3.207.13 All existing and proposed lot lines, with accurate dimensions and bearings of straight lines and radii, arcs, and central angles of curved lines.
- 3.207.14 Each lot identified by number and/or letter.
- 3.207.15 Area of each proposed lot.
- 3.207.16 Total area remaining in parent parcel, if any.
- 3.207.17 Location of all existing streets, with information concerning right-of-way widths, types of street surfaces, and street names.
- 3.207.18 The location and identification of all existing bodies of water, water courses with direction of flow, buildings, drain pipes, culverts, sewer lines, sewage systems, test pit(s) and percolation holes, water lines, water wells, oil wells, gas wells, gas lines, power lines, telephone lines, structures, public facilities, and any other significant man-made or natural features on the tract to be subdivided or developed.
- 3.207.19 The location, dimension, and purpose of existing easements or other rights-of-way including any limitation on their use.
- 3.207.20 The location, dimension, and identification of building setback lines.
- 3.207.21 Name, mailing address, signature, and title of person who prepared the map if done by someone other than the professional(s) land surveyor who certified the plan.
- 3.207.22 A blocked out area approximately 5"x 5" shall be provided which shall be free of all writing and drawing, for use by the Planning Commission to stamp any approval.
- 3.207.23 Where the subdivision or land development lies partially or completely in any designated one-hundred (100) year flood plain, those areas shall be identified and the boundaries accurately shown.
- 3.207.24 A site data table listing the following: total acreage; number of lots; lineal feet of new streets; zoning districts, if any; water service facilities; sewer service facilities and total impervious area for a land development.
- 3.207.25 Any common open space reserved.
- 3.207.26 New street lines, right-of-way lines, and easements indicating dimensions, purposes, and any limitations on their use.
- 3.207.27 Names of new streets. Proposed names shall not duplicate any street names within the local municipality, adjacent municipalities or postal delivery district, or approximate such names by the use of suffixes such

as lane, way, drive, court, avenue, etc.

3.207.28 Location of any new water, sanitary sewer, and storm sewer lines.

3.207.29 Proposed use of each lot if other than single-family residential.

3.207.30 Location and type of all lot corners and other permanent monuments, designating which have been set in place or found.

3.207.31 Name, mailing address, original certification by stamp or seal, and original signature of the professional(s) who certified the map and/or survey. Each print shall be individually signed and sealed or stamped by the appropriate professional(s) certifying the plat. Land surveys must be certified by a professional land surveyor.

3.207.32 The final plat for a major land development shall contain the following statement:

“[The applicant] certifies the information contained in this application is true and correct. Alterations from this approved plan by the present or future owners is a violation of the Wayne County Subdivision and Land Development Ordinance. Changes in the scope and/or limits of the project and its features will require a new application to be submitted.

“[signature of applicant]”

This statement must appear on the map with an original signature of the applicant on every copy submitted for approval.

3.208 **FINAL PLAN SUPPORTING MATERIALS:** The following items shall be submitted by the applicant in support of and as part of the final plan:

3.208.1 A letter of intent, signed by the applicant, including a statement that the application is for final approval and clearly indicating which lots are to be included for consideration. The letter shall authorize that county officials can enter the property for inspections required by the application. The letter should concisely explain the scope of the proposal. One (1) original copy is required.

3.208.2 All applicable fees as required in Article IX of this Ordinance.

3.208.3 One (1) copy of evidence (usually in the form of a letter) that D.E.P. has reviewed and accepted the subdivision or land development as an amendment to the local municipality's Official Plan in accordance with the provisions of the Pennsylvania Sewage Facilities Act and Chapter 71, Administration of the Sewage Facilities Program.

3.208.4 Streets

3.208.4.1 Four (4) copies of the final as-built drawings of the cross-sections and profiles of the streets shall be submitted, one (1) of which shall be returned to the applicant.



- 3.208.4.2 In applications that contain streets that are to remain private, copies of proposed deed restrictions and other documentation such as property owner association (POA) requirements shall be submitted to demonstrate how future maintenance and care of the streets will be arranged.
- 3.208.4.3 In applications that contain streets that are to become public, the applicant shall submit a letter from the local municipality stating that the streets meet the requirements of their street ordinance and they officially approved the streets for dedication.
- 3.208.4.4 If any bridges and/or culverts have been improved or installed as required by, and in accordance with this Ordinance, four (4) copies of the final as-built drawings of the designs, cross-sections, and profiles shall be submitted, one (1) of which shall be returned to the applicant.
- 3.208.4.5 In lieu of the completion of the construction of the streets, the applicant shall provide a financial security in accordance with the provisions as set forth in Article XI of this Ordinance.
- 3.208.4.6 A copy of a letter from the local municipality indicating they have inspected the road and approved its construction under their local road ordinance.
- 3.208.4.7 In order to complement the Wayne County enhanced 9-1-1 system, approved addresses for each lot must be obtained along with approved names for each street.
- 3.208.5 Storm Water Management Facilities
  - 3.208.5.1 If the storm water management facilities have been improved or installed as required by, and in accordance with this Ordinance, four (4) copies of the final as-built drawings of the facilities shall be submitted, one (1) of which shall be returned to the applicant.
  - 3.208.5.2 In lieu of the completion of the construction of the storm water management facilities, the applicant shall provide a financial security in accordance with the provisions as set forth in Article XI of this Ordinance.
- 3.208.6 Water Service Facilities
  - 3.208.6.1 If the method for the provision of water service facilities is other than individual on-lot wells for each individual residential dwelling unit and the water service facilities have been improved or installed as required by, and in accordance with this Ordinance, four (4) copies of the final as-built drawings of the facilities shall be submitted, one (1) of which shall be returned to the applicant.

3.208.6.2 If the method for the provision of water service facilities is other than individual on-lot wells for each individual residential dwelling unit, in lieu of the completion of the construction of the water service facilities, the applicant shall provide a financial security in accordance with the provisions as set forth in Article XI of this Ordinance.

#### 3.208.7 Sewer Service Facilities

3.208.7.1 If the method for the provision of sewer service facilities is other than individual on-lot sewage systems for each individual residential dwelling unit and the sewer service facilities have been improved or installed as required by, and in accordance with this Ordinance, four (4) copies of the final as-built drawings of the facilities shall be submitted, one (1) of which shall be returned to the applicant.

3.208.7.2 If the method for the provision of sewer service facilities is other than individual on-lot sewage systems for each individual residential dwelling unit, in lieu of the completion of the construction of the sewer service facilities, the applicant shall provide a financial security in accordance with the provisions as set forth in Article XI of this Ordinance.

#### 3.208.8 Electric Service Facilities

3.208.8.1 If the electric service facilities have been improved or installed as required by, and in accordance with this Ordinance, the electric utility company's requirements, and the pertinent laws and regulations of the Commonwealth; four (4) copies of the final as-built drawings of the electric service facilities shall be submitted, one (1) of which shall be returned to the applicant.

3.208.8.2 If the electric service facilities have not been improved or installed, one (1) copy of an approved plan from the utility company shall be submitted.

#### 3.208.9 Telephone Service Facilities

3.208.9.1 If the telephone service facilities have been improved or installed as required by, and in accordance with this Ordinance, the telephone company's requirements, and the pertinent laws and regulations of the Commonwealth of Pennsylvania; four (4) copies of the final as-built drawings of the telephone service facilities shall be submitted, one (1) of which shall be returned to the applicant.

3.208.9.2 If the telephone service facilities have not been improved or installed, one (1) copy of an approved plan from the telephone company shall be submitted.

### 3.208.10 Gas Service Facilities

3.208.10.1 If the gas service facilities have been improved or installed as required by, and in accordance with this Ordinance, the gas company's requirements, and the pertinent laws and regulations of the Commonwealth of Pennsylvania; four (4) copies of the final as-built drawings of the gas service facilities shall be submitted, one (1) of which shall be returned to the applicant.

3.208.10.2 If the gas service facilities have not been improved or installed, one (1) copy of an approved plan from the gas company shall be submitted.

### 3.208.11 Cable Television Service Facilities

3.208.11.1 If the cable television service facilities have been improved or installed as required by, and in accordance with this Ordinance, the cable television company's requirements, and the pertinent laws and regulations of the Commonwealth of Pennsylvania; four (4) copies of the final as-built drawings of the cable television service facilities shall be submitted, one (1) of which shall be returned to the applicant.

3.208.11.2 If the cable television service facilities have not been improved or installed, one (1) copy of an approved plan from the cable television company shall be submitted.

## **ARTICLE IV DESIGN STANDARDS**

- 4.000 **DESIGN STANDARDS** - The following standards shall be applicable to the design of all subdivisions and land developments in those municipalities in Wayne County that have no subdivision and land development ordinances in effect. The standards and requirements contained in this Article are intended as minimums for the promotion and protection of the public health, safety and general welfare.

Upon the discretion of the Wayne County Planning Commission, a Property Owners Association (POA) may be required for submissions that require the construction of improvements required by this Ordinance. Along with any other items determined to be necessary, ownership, maintenance and repair of the improvements shall be established with documentation determined to be acceptable by the Planning Commission.

### **4.100 LOTS**

#### **4.101 GENERAL**

- 4.101.1 Unless particular circumstances of the property make it impractical, side lot lines shall be at right angles to straight street lines and on radial lines to curved street lines.

- 4.101.2 All lots shall front on, and have direct access to, an existing public or private street or a proposed street which meets the requirements of this Ordinance.

A waiver may be granted by the Department of Planning or Planning Commission to the requirement of a lot fronting on a street providing the following conditions exist:

-Particular circumstances of the application warrant a waiver, and if granted would not be contrary to the public interest, and would maintain the spirit and the intent of this Ordinance. The application must demonstrate that due to circumstances which exist such as topography, shape of the parcel, or other constraints; road frontage is not attainable. Only one waiver per parcel of land, may be granted as of the adoption date of the original amendment of this ordinance dated September 12, 1991.

-The lot will not be further subdivided unless in accordance with restrictive covenants included in the deed.

-Access to the lot is provided via a "common/private driveway" which serves only one (1) lot which does not front on a street.

-The "common/private driveway" is located in a right-of-way which is equal to or greater than the minimum width required in this ordinance. The right-of-way shall also be adequate to accommodate a cul-de-sac as required by this ordinance.

-The deed for the lot contains appropriate restrictive covenants setting

forth the manner in which the costs of repair, upgrade and maintenance of the driveway will be apportioned as well as the costs of repair, upgrade and maintenance in the event of future development.

- A copy of the proposed deed containing the following restrictions must be submitted as part of the application:

The deed for the lot shall contain the following restrictive covenant:

"The above described easement for a common/private driveway is under and subject, nevertheless, to the following conditions, restrictions and covenants:

1. That the premises herein conveyed is the only parcel not abutting a street that this common/private driveway may serve.
2. That no further subdivision of the premises herein conveyed may use this common/private driveway.
3. That covenants 1 and 2 herein may only be removed from further deeds of conveyance if the common/private driveway is upgraded to meet the standards in force and effect at the time that a further subdivision or increased use of said common/private driveway is proposed.
4. That the parties hereto mutually agree for themselves, their heirs and assigns, that the determination that the standards of the ordinance in effect at that time have been met will be acceptable to them, their heirs and assigns, if the governing body of the local municipality accept the same in writing which may be recorded in the Wayne County Recorder of Deeds Office.

And the grantee, for himself, his heirs and assigns, by the acceptance of this indenture, agrees with the grantor, his heirs and assigns, that said restrictions, conditions and covenants shall be covenants running with the land, and that in any deed of conveyance of said premises, said restrictions, conditions and covenants shall be incorporated by reference to this indenture and the record hereof or as fully as the same are contained herein."

- A statement is placed on the plat stating "The 'common/private driveway' shown on this plan is for the purpose of access to the lot shown. This is not a private or public street. Any further subdivision involving additional lots along this common/private driveway will require the 'common/private driveway' to be upgraded to meet the standards in effect at that time."

- 4.101.3 Unless particular circumstances of the property make it impractical, lot lines shall follow municipal boundaries rather than cross them, in order to avoid jurisdictional problems.

4.101.4 Each lot shall be identified by number and/or letter.

4.101.5 Lots shall be designed so that remnants of land are not created.

#### 4.102 **LOT SIZE**

4.102.1 Lots shall conform to the municipality's zoning ordinance requirements, if any.

4.102.2 Where no zoning ordinance exists, lots shall be not less than the following dimensions:

SEWAGE-WATER ARRANGEMENT	LOT SIZE	AVERAGE WIDTH	MINIMUM RD FRONTAGE AT STREET ROW
On-Lot Sewage/On-Lot Water	43,560 sq ft	150 ft	50 ft
On-Lot Sewage/Central Water	30,000 sq ft	125 ft	50 ft
Community Subsurface Sewage/On-Lot Water	30,000 sq ft	125 ft	50 ft
Community Subsurface Sewage/ Central Water	30,000 sq ft	125 ft	50 ft
Central Sewage/On-Lot Water	30,000 sq ft	125 ft	50 ft
Central Sewage/Central Water	20,000 sq ft	100 ft	50 ft

4.102.3 Lots fronting on a cul-de-sac turnaround shall have a minimum frontage at street right-of-way of 50 feet.

4.102.4 If two or more principal structures are proposed for location on a single parcel, the area of the parcel shall be of sufficient size in proportion to the number of principal structures so that the parcel could be subdivided in the future, meeting the minimum standards of this Ordinance.

#### 4.103 **BUILDING SETBACKS**

4.103.1 Building setbacks shall conform to the municipality's zoning, building permit, or other ordinance governing such requirements.

4.103.2 Where no zoning, building permit, or other ordinance governing building setbacks exists, they shall be not less than the following:

4.103.2.1 Twenty-five (25) feet from the street right-of-way.

4.103.2.2 Fifteen (15) feet from rear and side property lines.

4.103.3 Building setback requirements for specific land developments shall follow standards as may be found in sections covering commercial, industrial, multi-family, etc. in this ordinance.

## **4.200 STREETS**

### **4.201 GENERAL**

- 4.201.1 Proposed streets shall provide for the continuation, connection, and projection of streets in surrounding areas and shall conform to all plans and policies as may have been adopted by the municipality.
- 4.201.2 Proposed streets shall be properly related to the street and highway plans of the state, county, and local municipality. Streets shall be designed to provide adequate vehicular access to all lots and with regard for topographic conditions, projected volumes of traffic, and subdivision or land development possibilities in the area.
- 4.201.3 The street system of a proposed subdivision or land development shall be designed to create a hierarchy of street functions.
- 4.201.4 All streets shall be designed with proper drainage to avoid future damage to the street. The design shall assure that the surface sheds water, side ditches collect and carry water away, and an adequate number and sizing of culverts has been planned.
- 4.201.5 Access to a state road requires authorization from the Pennsylvania Department of Transportation and receipt of a valid highway occupancy permit.
- 4.201.6 Access to a local municipal street may require authorization from the local municipality.
- 4.201.7 Cul-de-sac streets shall not exceed 1,200 feet in length measured from the centerline of the intersection to the centerline of the turnaround.

### **4.202 PRIVATE STREETS**

- 4.202.1 Private street design must conform to standards contained herein and to the standards as may be required by the local municipality. Road plans at the preliminary and final application stages, shall also be submitted, by the applicant, to the local municipality for their review and approval. The preliminary approval is simply the approval of the road design. Final approval is approval of the construction of the road. Subdivision approval, whether preliminary or final, shall not be granted until an appropriate approval letter is issued by the local municipality.
- 4.202.2 No local municipality shall be required to accept such private streets for public dedication until the streets meet such additional standards and specifications as the local municipality may require for public dedication. The County of Wayne shall not be required to accept any such private streets for public dedication.

### **4.203 PUBLIC STREETS**

- 4.203.1 Public streets shall conform to the standards the local municipality has adopted.

- 4.203.2 Road plans at the preliminary and final application stages, shall also be submitted, by the applicant, to the local municipality for their review and approval. The preliminary approval is simply the approval of the road design. Final approval is approval of the construction of the road. Subdivision approval, whether preliminary or final, shall not be granted until an appropriate approval letter is issued by the local municipality.

#### 4.204 **ENGINEERING STANDARDS FOR STREETS**

- 4.204.1 Right-of-way - The minimum street right-of-way width shall be 50 feet.

- 4.204.2 Cartway - The minimum width of the cartway shall be 18 feet.

- 4.204.2.1 The cartway shall be centered within the right-of-way.

#### 4.204.3 Street Construction

- 4.204.3.1 The cartway, shoulders, and ditch areas shall be cleared and grubbed to a depth sufficient to remove all organic material, and graded to the lines and profile of the cross-section governing the road design. The design and construction of the street bed shall take into consideration the supporting capacities of the subgrade, with particular attention to those soils which are subject to frost heave.

- 4.204.3.2 All disturbed areas outside of the ditches shall be graded to match the existing ground contour, seeded or planted, and mulched until vegetation is re-established.

- 4.204.3.3 The base contour shall have a minimum thickness of 8 inches of natural gravel or durable crushed stone with a maximum size of 6 inches.

- 4.204.3.4 The surface course shall have a minimum thickness of 2 inches of 2B modified compacted.

- 4.204.3.5 The subgrade, base, and surface course shall all be constructed so that there is a uniform slope away from the center of a minimum of 1/2 inch per foot.

- 4.204.4 Shoulders - Where curbs are not provided, shoulders 4 feet wide constructed of 6 inches of natural gravel or durable crushed stone shall be required. They shall slope toward the ditch 1 inch to 2 inches per foot.

- 4.204.5 Ditches - Side ditches on both sides of the street shall be provided to handle surface water from the cartway, back slope, and ground water. The ditches shall be a minimum of 24 inches deep measured below the elevation of the edge of the shoulder adjacent to the ditch. They shall have side slopes of a minimum 1.5 horizontal to 1.0 vertical. The bottom width will be sized to carry the flow from a storm of ten (10) year frequency. Side ditches shall be provided when the capacity of the parallel ditch is reached for the design storm. Traverse ditches shall not



intersect parallel ditches at an angle of more than 30 degrees to minimize scour and sedimentation. Where the nonerodible velocity of the ditch material is exceeded, the ditch shall be lined with stone, concrete, bituminous paving, or other accepted methods to prevent scouring and erosion.

4.204.6 Culverts - Culverts shall be provided to carry all surface water under roads. The applicant shall provide engineering hydraulic calculations to justify the locations and sizes of the proposed culverts. The minimum inside diameter of culverts shall be 15 inches or the equivalent pipe arch where headroom is restricted. The culvert shall have a minimum of 12 inches of cover under the cartway. Culverts shall be designed for a minimum of 10 (ten) year storm frequency, and will be sized to carry the design flow based on inlet or outlet conditions, whichever governs. The inlets and outlets shall be designed and constructed with due consideration to storm water management and to minimize erosion.

4.204.7 Grades - The maximum grade shall be 15% measured along the centerline.

4.204.7.1 The maximum grade across the turnaround in a cul-de-sac shall be 1/2 inch per foot in any direction.

4.204.7.2 Intersections shall be approached on all sides by leveling areas. Such leveling areas shall have a minimum length of 50 feet measured from the intersections of the centerline, within which no grade shall exceed a maximum of 5%.

4.204.8 Sight Distance - Sight distance must be provided with respect to vertical alignment. Measured along the centerline from height of eye of 3.75 feet to height of object of 0.5 feet, the sight distance shall be a minimum of 100 feet.

4.204.9 Horizontal Curves - Whenever street lines are deflected from each other by more than 5 degrees, the centerlines shall be connected with a curve having a minimum radius of 150 feet. A minimum tangent of 50 feet shall be required between a curve and a street intersection. To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.

4.204.10 Vertical Curves - Vertical curves shall be used at changes in grade exceeding 1%.

4.204.11 Intersections

4.204.11.1 No intersection shall be more than a four (4) way intersection.

4.204.11.2 Streets shall intersect as nearly as possible at 90 degree angles. No street shall intersect another at an angle of less than 70 degrees.

- 4.204.11.3 Streets intersecting another street shall either intersect directly opposite each other or shall be separated by at least 150 feet between centerlines measured along the centerline of the street being intersected.
- 4.204.11.4 Grades at intersections shall meet the requirements set forth in Section 4.204.7.2 of this Ordinance.
- 4.204.11.5 Horizontal approaches of streets at an intersection shall follow a straight line for a distance of at least 50 feet measured from the intersections of the centerline.
- 4.204.11.6 Intersection Sight Distances-Clear Sight Triangles - Clear sight triangles shall be provided at all street intersections. The triangular area shall be graded and/or sight obstructions removed and prohibited to permit unimpeded vision in both directions for a minimum of 50 feet. Sight distances shall be computed along the intersecting right-of-way lines.
- 4.204.12 Cul-de-sac Streets - Dead end streets shall be designed as cul-de-sacs.
- 4.204.12.1 Cul-de-sac streets shall not exceed 1200 feet in length measured from the centerline of the intersection to the centerline of the turnaround.
- 4.204.12.2 The minimum radius of the right-of-way line for the turnaround shall be 50 feet.
- 4.204.12.3 The minimum radius of the cartway for the turnaround shall be 35 feet.
- 4.204.12.4 Grades within the turnaround shall meet the requirements set forth in Section 4.204.7.1 of this Ordinance.
- 4.204.13 Where a subdivision or land development abuts or contains an existing or proposed arterial, expressway, or major traffic street, the Planning Commission may require marginal access streets, reverse frontage lots, or other such treatment as will provide protection for abutting properties, reduction in the number of intersections with the arterial, expressway, or major street, and separation of local and through traffic. Where a subdivision or land development borders on, or contains a limited access highway, or a railroad right-of-way, the Planning Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- 4.204.14 The slopes of banks along streets and roads, measured perpendicular to the cartway centerline, shall be no greater than required to provide a factor of safety of 1.75 against slides, slumps, spreads, or slope

movement from any cause. In the absence of detailed engineering stability analysis for the material involved, a minimum of 1.5 horizontal to 1.0 vertical for cut slopes and 2.0 horizontal to 1.0 vertical for fill slopes will be required provided the material is adequate to provide these slopes. All fills will be placed in accordance with good engineering practice, free of stumps and other organic material and compacted.

4.204.15 Curbs and sidewalks may be proposed and installed by the applicant, but are not generally required. The Planning Commission may require curbs and/or sidewalks if they exist in the adjacent neighborhood or if they would be deemed necessary to provide access to community facilities such as schools, shopping areas, or recreation areas. This shall be determined by the Planning Commission during or before the preliminary plan submission. Sidewalks and curbs shall be constructed to the specifications of the Pennsylvania Department of Transportation for the material chosen by the applicant and agreed to by the Planning Commission.

#### **4.300 SIGNS**

4.301 Each new street shall be named. Names of new streets shall not duplicate or approximate existing or platted street names within the local municipality, adjacent local municipalities within the County, or postal delivery district, or approximate such names by the use of suffixes such as lane, way, drive, court, avenue, etc.

4.302 Street name signs shall be provided and installed by the applicant at each intersection prior to final approval. The signs shall conform to the requirements of the local municipality, or if no such requirements exist, they shall be 6 inches high and a minimum of 18 inches long mounted on an aluminum or steel post at least 10 feet above the ground that conforms to PennDot standards. The lettering shall be a minimum of 4 inches high and double faced.

4.303 Signs indicating "no outlet" shall be provided and installed by the applicant on each cul-de-sac street prior to final approval. The sign shall be located on the right hand side of the street, facing the intersection, and be between 50 and 100 feet from the centerline of the intersections. The sign shall meet the standards of the Pennsylvania Department of Transportation for design specifications and installation.

#### **4.400 UTILITIES**

4.401 EASEMENTS: Utility easements shall be provided for wires, conduits, storm and sanitary sewers, gas, water, and/or other utility lines intended to service abutting lots. Utility companies shall be consulted by the applicant when locating utility easements. The requirements of the utility company shall serve as the minimum standards.

4.402 The Pennsylvania Public Utility Commission order regulating underground and overhead electrical distribution shall be complied with by the applicant.

#### **4.500 SURVEY MARKERS**

- 4.501 Survey markers shall be established or located at each existing and proposed lot corner. If it is impossible or impractical to set a survey marker precisely on the corner, then survey markers may be established on the line of the lot and offset a distance from the actual corner. Such distance shall be so noted on the final plat.
- 4.502 Survey markers shall be made of iron pipe, iron or steel bars, concrete, stone, or other similar durable material. Wooden stakes or other similar less durable material shall be prohibited.
- 4.503 A wooden stake or other suitable object shall be placed or found near each survey marker as a witness with a notation made on it which identifies the lot by number, letter, or name of landowner.

#### **4.600 DRAINAGE EASEMENTS**

- 4.601 Drainage along and across streets shall be designed so as to meet the requirements in Sections 4.200 and 4.1000 of this Ordinance. All drainage facilities for this purpose shall be located, to the best of the applicant's ability to adequately meet the engineering requirements of the facility, within the street right-of-way. If this is not possible, additional drainage easements shall be provided adjacent to the street right-of-way by the applicant and indicated on all plans.
- 4.602 Drainage easements shall be provided along all side and rear lot lines. The easements shall extend a minimum of 10 feet from each side and rear lot line onto the lot.

#### **4.700 SEWAGE DISPOSAL**

- 4.701 All subdivisions and land developments shall be required to have provisions for disposal of sewage and all other wastewater. The applicant shall provide for the most effective type of sanitary sewage disposal facility consistent with existing physical, geographical, and geological conditions.
- 4.702 The applicant shall comply with all appropriate state and municipal regulations for inclusion of the proposed subdivision or land development in the local municipality's Official Plan for sewage systems.
- 4.703 If the applicant proposes to construct or connect to a public or private collection and treatment system, the system shall be designed in accordance with specifications of the state and municipality as they may apply.
- 4.704 If the applicant proposes that individual on-lot sewage systems will be used, the requirements of the state and municipality governing the location and design of such systems shall be followed by the applicant and all present and future owners.

- 4.705 If the applicant proposes sewage services other than as described in Sections 4.703 and 4.704, the design of such facilities shall meet accepted engineering practices and any state or municipal specifications that may apply.
- 4.706 Approval of a subdivision or land development proposing the use of on-lot sewage disposal shall in no way indicate or guarantee approval of any on-lot disposal system.
- 4.707 The applicant and/or all present and future owners shall be required to obtain appropriate permits from the state and/or municipality prior to the construction of any sewage disposal system, including holding tanks.
- 4.708 If the applicant proposes a community subsurface sewage disposal system as the means of treating and disposing of sewage, disposal areas shall be on separate "sewage disposal lot(s)". Each sewage disposal lot shall be a minimum of 1 acre.

#### **4.800 WATER SUPPLY**

- 4.801 All subdivisions and land developments shall be required to have provisions for the supply and distribution of water. The applicant shall provide for the most effective type of water supply system consistent with existing physical, geographical, and geological conditions.
- 4.802 If the applicant proposes to construct or connect to a public or private water supply and distribution system, the system shall be designed in accordance with specifications of the federal Environmental Protection Agency, state, and municipality as they may apply. If no such federal, state, or municipal specifications exist or apply, the system shall be designed to meet accepted engineering practices. The specifications of the Association of Fire Underwriters and the American Water Works Association shall be used as guides in designing water supply and distribution systems.
- 4.803 If the applicant proposes that individual on-lot water systems will be used, the requirements of the state and municipality governing the location and design of such systems shall be followed by the applicant and all present and future owners.
- 4.804 If the applicant proposes a water supply and distribution system other than as described in Section 4.802 and 4.803, the design of such system shall meet accepted engineering practices and any federal, state, or municipal specifications that may apply.
- 4.805 If the applicant proposes a new central water system, the well shall be located on a "well lot" if the system is intended to serve 3 or more lots. The "well lot" must be a minimum of 25 feet by 25 feet. If the central system will serve only 2 lots, and is simply a "shared well" no "well lot" will be required.

#### **4.900 EROSION AND SEDIMENTATION**

- 4.901 The erosion and sedimentation control plan, control measures, facilities, and restoration work shall comply with D.E.P. rules and regulations.

- 4.902 If the County and/or local municipality in which the subdivision or land development is located has additional rules and regulations, the erosion and sedimentation control plan, control measures, facilities, and restoration work shall be designed to comply with these additional rules and regulations.
- 4.903 If the earthmoving activity proposed requires the obtaining of a D.E.P. erosion and sedimentation control permit, the D.E.P. rules and regulations governing the issuance of permits shall be adhered to.

#### **4.1000 STORMWATER MANAGEMENT**

##### **4.1001 General Requirements**

This section shall apply to all areas of municipalities which fall under the jurisdiction of the Wayne County Subdivision and Land Development Ordinance. Applicants may also be subject to other legislation such as the requirements of Chapter 92 (National Pollutant Discharge Elimination System), Chapter 102 (Erosion and Sediment Pollution Control), Chapter 105 (Dam Safety and Waterway Management), and Chapter 106 (Flood Plain Management) of Title 25, Rules and Regulations of the PA DEP. Any inquiries on permit requirements or other concerns should be addressed to the Department of Environmental Protection.

4.1001.1 Stormwater management facilities must be designed so that the post-development runoff rates equal the pre-development runoff rates for those areas of the watershed defined in Section 4.1002 of this ordinance. It is the responsibility of the developer to design the SWM facilities of the site such that the pre-development discharge rates from the site at the final point of discharge are maintained during post-development conditions for the 2.33, 5-, and 10-year storms.

4.1001.2 It is the responsibility of the developer to provide adequate drainage conveyance facilities. Adequate drainage conveyance facilities must have the hydraulic characteristics to accommodate the maximum expected flow of stormwaters for the watershed or portion thereof, for the required design storm event.

Adequate drainage conveyance facilities shall be designed to:

1. Convey stormwater to a natural outfall;
2. Not adversely affect the adjacent or neighboring properties.

4.1001.3 Concentration or diversion of flow by proposed development activity which does not discharge to an existing stormwater conveyance facility will not be permitted unless adequate off-site drainage improvements to safely convey peak flows from the 10-year storm are provided.

4.1001.4 Detention or retention is mandatory where the existing downstream drainage system is clearly inadequate and its expansion or improvement is either financially prohibitive or aesthetically

unacceptable. Wayne County reserves the right to waive the requirement for detention of stormwater where the County determines that its use is not in the public interest and where alternatives may apply.

4.1001.5 Innovative stormwater management systems may be used when approved by the County.

4.1001.6 Access easements to facilities shall be provided for maintenance and operation.

4.1001.7 “No Harm” Option

The developer has the option of using a less restrictive runoff control (including no detention) if the developer can prove to the satisfaction of Wayne County that “no harm” would be caused by discharging at a higher runoff rate than that specified by the criteria of this Ordinance. Proof of “no harm” would have to be shown from the development site through the remainder of the downstream drainage network to the downstream mouth of the Lackawaxen or Lackawanna River, as the case may be.

4.1002 Two levels of Stormwater Management can be implemented. All of Clinton, Dyberry and Prompton fall in District 1, as well as the majority of South Canaan. A small portion of District 2 falls in South Canaan Township. District 2 is depicted on the map following this section.

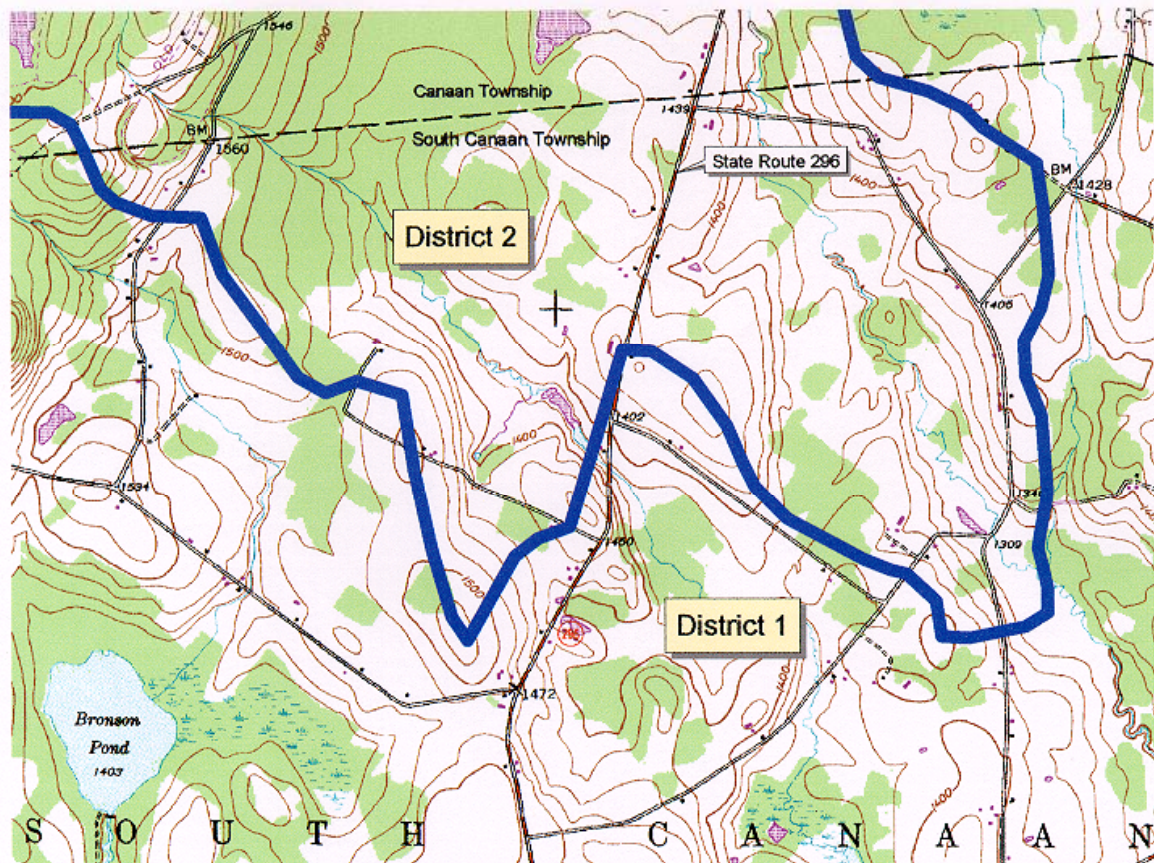
District 1: 100% Release Rate Stormwater Management analysis is required only for new development activity creating impervious area greater than 5% of the tract. (i.e. No control of peak flow is required if less than 5% impervious area of the tract is created. However, stormwater must be managed in a manner which will adequately protect health and property from possible injury). Activities on tracts of land less than or equal to 5 acres are exempt if they create less than 10,890 sq. ft. (5 percent of 5 acres) of impervious area. This level of management shall be in effect in any area not identified for District 2.

District 2: 100% Release Rate Stormwater Management analysis is required for all new development activity, regardless of the impervious area created. This level of management is in effect for areas shown on the map on the following page.



# Stormwater Management District 2

## South Canaan Township



 Stormwater Management District 2 Boundary





4.1003 Use Exemptions from the plan preparation provisions of this section are allowed as is detailed in the following. However, these activities must still manage stormwater in a manner which will adequately protect health and property from possible injury.

4.1003.1 Construction of single family residential structures, private garages and other residentially related outbuildings. Also, any land disturbance activity associated with home gardening.

4.1003.2 Any regulated activity which would create 10,890 square feet or less of impervious area. This criteria shall apply to the total development even if development is to take place in phases. Activities which are exempt pursuant to this section shall be undertaken in a manner so as to manage the quantity, velocity and direction of resulting stormwater runoff to adequately protect adjacent or downstream properties from possible injury.

4.1003.3 Agricultural Operations Exclusion

Agricultural activities such as growing crops, rotating crops, tilling of soil and grazing animals and other activities are specifically exempt from complying with the requirements of this ordinance.

4.1003.4 Forest Management Operations Exclusion

Any land disturbance associated with forest management operation which is following the PA DEP's management practices contained in its publication "Soil Erosion and Sedimentation Control Guidelines for Forestry" and its' operation under an adequate Erosion and Sedimentation Control Plan as per the Chapter 102 rules and regulations.

4.1004 A Sliding Scale Exemption may be applied, based upon the percentage of impervious surface and distance to the down slope property line. The sliding scale exemption is based on the graph that follows this section identified as "Figure A". The exemptions are divided into 5 bands: 5000 square feet; 10,000 square feet; 15,000 square feet; 20,000 square feet and 40,000 square feet. The following 3 examples show how "Figure A" may be used.

Example 1

A 20,000 square foot lot contains 9,000 square feet of proposed impervious area. The downslope property line is 200 feet away.

$9,000 \text{ sf} / 20,000 \text{ sf} = 45\% \text{ impervious area}$

From Figure A, exemption is 10,000 sf.

9,000 sf is less than 10,000 sf therefore proposal is exempt from stormwater plan preparation

Example 2

A 50 acre parcel will contain 30,000 square feet of proposed impervious area. The downslope property line is 900 feet away.

$30,000\text{sf} / (50\text{ ac} \times 43,560\text{sf/ac}) = 1.37\%$  impervious area  
From "Figure A" exemption is 40,000sf.  
 $30,000\text{sf} < 40,000\text{sf}$  therefore proposal is exempt from stormwater plan preparation.

#### Example 3

A 5 acre lot will contain 2 acres of proposed impervious area. The downslope property line is 100 feet away.

$2\text{ac} / 5\text{ac} = 40\%$  impervious  
From "Figure A" exemption is 5,000sf.  
2 acres (87,120sf)  $> 5,000\text{sf}$  therefore proposal is not exempt from stormwater plan preparation.

ACT 167 STORMWATER MANAGEMENT  
EXEMPTION CRITERIA

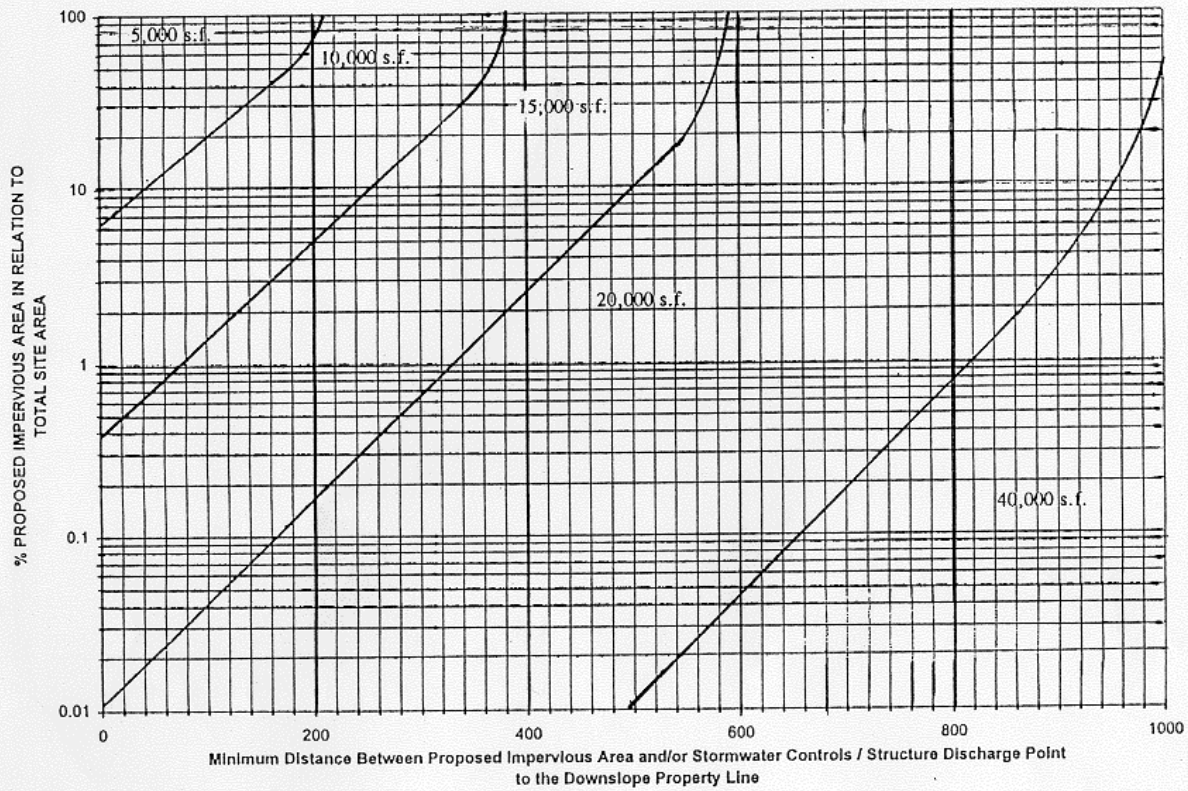


Figure A

- 4.1005 Plan contents for stormwater management facilities shall contain the appropriate information as required in Sections 3.100 and 3.200 for minor and major plat specifications. Additional plat specifications for stormwater management facilities shall include the following:
- 4.1005.1 Existing contours at vertical intervals of five (5) feet for land with an average natural slope of fifteen (15%) percent or less and at vertical intervals of ten (10) feet for more steeply sloping land; except that for residential and agricultural uses where a preliminary subdivision or land development plan is not required, twenty (20) foot contours shall be sufficient. The plan should indicate the natural drainage patterns of the site along with the approximate grades of all slopes.
  - 4.1005.2 The names, locations and dimensions of all existing structures, highways, streets, railroads, easements, rights-of-way, watercourses and bodies of water, drainage facilities, floodplains, and other significant features within two hundred (200) feet of any part of the tract proposed to be developed.
  - 4.1005.3 The stormwater management plan shall explain the proposed land use, the number of lots and dwelling units and the extent of commercial, industrial or other non-residential uses. It shall also include the proposed changes to the land surface and vegetative cover.
  - 4.1005.4 Final contours at vertical intervals of five (5) feet for land with an average natural slope of fifteen (15%) percent or less and at vertical intervals of ten (10) feet for more steeply sloping land. Arrows indicating general surface runoff flow patterns shall be shown with the approximate grade of all slopes.
  - 4.1005.5 A twenty-five (25) foot access easement around all stormwater management structures and from such structures to a public right-of-way.
- 4.1006 Stormwater Conveyance and Management Facilities shall be shown, such as:
- 4.1006.1 All stormwater conveyance facilities (piping, inlets, channels and swales) along with any proposed connection to existing facilities.
  - 4.1006.2 Groundwater recharge methods such as seepage pits, beds or trenches. When these structures are used, the locations of septic tank infiltration areas and wells must be shown.
  - 4.1006.3 Other control devices or methods such as roof-top storage, grass swales, parking lot ponding, vegetated strips, and detention or retention basins.
  - 4.1006.4 Plans and profiles of all proposed stormwater management facilities including vertical and horizontal alignment, size and type of material. This information shall be of the quality required for the construction of all facilities.
  - 4.1006.5 A certificate, signed and sealed by an individual registered in the Commonwealth of Pennsylvania and who is qualified to perform such studies and designs, indicating the compliance of the design of the stormwater management facilities with the provisions of this Ordinance.

4.1007 Methods of Calculation of runoff Flow Parameters. The methods of computation used to determine peak discharge and volume of runoff shall be one of the following four methods or any method approved by the County in advance:

4.1007.1 The USDA SCS Soil-Cover-Complex Method as set forth in the latest edition of "Urban Hydrology for Small Watersheds", Technical Release No. 55.

4.1007.2 The USDA SCS Soil-Cover-Complex Method as set forth in the "TR-20 Computer Program for Project Formulation Hydrology", Technical Release No. 20.

4.1007.3 The Penn State Runoff Model (PSRM) as set forth in the Penn State Runoff Model User's Manual, January 1987 Version and all updates.

4.1007.4 The "Rational Method" of  $Q=CIA$ , where Q is the peak discharge from the watershed in cubic feet per second (cfs), C is the coefficient of runoff, I is the intensity of rainfall in inches per hour, and A is the area of the watershed in acres.

#### **4.1100 FLOOD PLAIN MANAGEMENT**

4.1101 All subdivisions and land developments shall comply with the provisions of state, county, and/or local municipal flood plain management regulations, if any exist.

4.1102 If no such regulations exist, the following shall be applied:

4.1102.1 The general health, safety, and welfare of the community shall be promoted and preserved.

4.1102.2 Each subdivision lot or land development site within designated (100) year flood plains shall be provided with a safe building lot or site with adequate access. Public facilities which serve such lots or sites shall be designed and installed to preclude flood damage.

4.1102.3 Where not prohibited by this or any other codes or ordinances, land located in designated one-hundred (100) year flood plains may be subdivided or developed with the provision that the applicant construct all buildings and structures to preclude flood damage in accordance with this and any other codes or ordinances regulating such subdivision or land development.

4.1102.4 The finished elevation of proposed streets within designated one-hundred (100) year flood plains shall be no more than 1 foot below the one-hundred (100) year flood elevation. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

4.1102.5 All new or replacement sewer service facilities, water service facilities, and utilities, whether public or private, located in designated one-hundred (100) year flood plains, shall be flood-proofed up to a point 1-1/2 feet above the one-hundred (100) year flood elevation.

#### 4.1200 **COMMERCIAL AND INDUSTRIAL SUBDIVISIONS AND LAND DEVELOPMENTS**

4.1201 Application. All commercial and industrial subdivisions and land developments shall conform with the provisions of the applicable sections of this ordinance which are not addressed in this section (Section 4.1200).

4.1202 Size. Approval of lot or parcel size will be determined by the following factors:

4.1202.1 Total area shall be sufficient to provide adequate space for off-street parking and loading, landscaping, and other facilities.

4.1202.2 Whenever possible, commercial parcels should include enough land to provide for a group of commercial establishments, planned, developed and operated as a unit. In no case will narrow, highway-ribbon developments be approved.

4.1203 Street Systems and Building Setbacks.

4.1203.1 Ingress and egress of commercial and industrial areas shall be designed to provide the least amount of interference on external traffic. Such designs shall not create hazardous traffic flows.

4.1203.2 The design of internal streets, service drives and pedestrian ways shall provide for safe and hazard-free circulation.

4.1203.3 A dead-end street is a minor street with only one outlet, and shall not be more than one thousand two hundred feet (1200') as measured.

4.1203.4 A cul-de-sac shall be placed at the end of all dead-end streets to conform with the local municipal Ordinance and the standards contained in this Ordinance.

4.1203.5 Building setback lines for commercial and industrial subdivision and land developments shall be one hundred feet (100') from the closest right-of-way line of the closest street and fifty feet (50') from the side and rear parcel lines.

4.1204 Block Layout. Block layout shall conform with due consideration of site conditions, with best possible service to customers, traffic and parking circulation, and pick up and delivery service.

4.1205 Off-Street Parking

4.1205.1 Off street parking for commercial and service oriented land developments shall be provided as per the following schedule. Each parking space shall be a minimum of 9' x 20'. Internal street and parking design shall be designed to accommodate prospective traffic and facilitate fire protection. The plans shall depict the amount of public floor area proposed.

<b>Development Type</b>	<b>Parking Space(s) Required</b>
Bowling Alley	8 vehicle spaces for each alley
Churches, Theatres, stadiums and other places of assembly	1 per every 3 seats

Drive-in eating facilities	3 per employee
Food markets and grocery	1 per 100 sq ft of public floor area
Funeral homes	1 per 100 sq ft of public floor area
Golf and other commercial outdoor recreation enterprises	1 per every 2 users
Hospitals	1 per bed plus 1 per employee on largest shift
Motels, hotels, boarding houses	1 per guest room unit
Office building	1.5 per employee
Personal services	4 parking spaces per patron capacity
Public and semi-public uses	1 per 200 sq ft of floor area
Multi-family residential apartments	2 per dwelling unit
Restaurants and taverns	1 per 50 sq ft of public floor area
Retail business	1 per 200 sq ft of public floor area
Schools	1 per every 15 classrooms seats
Service stations & garages	1 per 100 sq ft of floor area
Swimming pools	1 per 10 sq ft of water surface
Wholesale & trucking establishments	1 per employee on largest shift

4.1205.2 Industrial subdivisions shall provide a sufficient number of paved parking spaces to accommodate the maximum number of employees' cars, and visitors to the manufacturing firm.

4.1205.3 In cases where there is a change of shift for employees, the number of parking spaces required would be determined by the estimated number of employees per two shifts.

4.1205.4 Truck loading areas, a minimum of 12' x 60' in size with a minimum of 14' of overhead clearance, shall be provided such that all truck loading, unloading, and maneuvering can be accommodated within the property lines. Parking, loading, and unloading and/or maneuvering of vehicles to load and unload shall not be permitted on public right-of-ways.

4.1205.5 No more than 50 percent of the off-street parking area for the entire property of commercial and industrial developments shall be located between the front façade of the principal building and the primary abutting street.

4.1206 Large Retail Establishments – These regulations apply to new “large” retail establishments or any combination of retail establishments in a single building (or multiple buildings developed as a shopping center or plaza), occupying more than 25,000 gross square feet of lot area or an addition to an existing large retail establishment that would increase the gross square feet of floor area by 50 percent.

The following standards shall apply to the design of the building(s) and site:

4.1206.1 Facades greater than 100 feet in length must incorporate recesses and projections along at least 20 percent of the length of the façade. Windows, awnings, and arcades must total at least 60 percent of the façade length abutting a public street.

4.1206.2 Smaller retail stores that are part of a larger principal building must have display windows and separate outside entrances.

- 4.1206.3 Roofs must have at least two of the following features: parapets concealing flat roofs and rooftop equipment, overhanging eaves, sloped roofs, and three or more roof slope planes.
- 4.1206.4 Each principal building must have a clearly defined, highly visible customer entrance with features such as canopies or porticos, arcades, arches, wing walls, and integral planters.
- 4.1206.5 Predominate exterior building materials must be of brick, wood, sandstone, other native stone, and tinted/textured concrete masonry units. Smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels are prohibited as the predominant exterior building material.
- 4.1206.6 Where the façade faces adjacent residential uses, an earth berm of at least six feet in height and planted with evergreen trees at intervals of 20 feet on center, or in a cluster is required.
- 4.1206.7 Loading docks, trash collection, outdoor storage and similar facilities and functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets.
- 4.1206.8 Sidewalks must be provided along the full length of the building along any façade featuring a customer entrance and along any façade abutting public parking areas. Such sidewalks shall be located at least six feet from the façade of the building to provide planting beds for foundation landscaping.
- 4.1206.9 Planting strips must be provided in parking lots to separate rows of parking spaces.

#### 4.1300 Multi-family Dwellings

- 4.1301 General Procedure. Application for preliminary approval of multi-family dwelling projects, accordingly, will be made in the manner provided under Article III hereof. The developer shall also submit the following additional information:
  - 4.1301.1 An application for multi-family dwelling approval by a letter or brief from the developer or the developer's representative indicating how the development will meet the general site requirements of this ordinance and otherwise comply with the intent of this section, describing the organization and management of the project.
  - 4.1301.2 A proposed lot plan showing the approximate (generally within five feet) location of all buildings and improvements including parking areas, planting strips (if any), signs, storm drainage facilities, water supply and distribution system, sewage treatment and collection systems and the specific areas provided as common open space in connection with the requirements of this Ordinance. Setbacks from property lines, improvements and other buildings shall also be indicated.
  - 4.1301.3 A schedule or plan, and proposed agreement(s) with a property owners' association for the purpose of dedicating, in perpetuity, the exclusive use and/or ownership of the recreation area and common open space required by



this Ordinance to the prospective dwelling owners or occupants. Such agreement may be incorporated in the applicant's proposed covenants and restrictions, but shall in any event, provide that maintenance and use of the property, regardless of ownership, be restricted to either: (1) activities intended for the sole benefit of the occupants of the particular project proposed, or (2) permanent common open space as hereinafter provided.

- 4.1302 Installation of Improvements. Following Preliminary Plan approval, the developer shall provide for the installation of required or proposed improvements including, but not limited to; landscaping, streets, parking areas, storm drainage facilities, recreational facilities and lighting. Building improvements shall similarly be completed or guaranteed prior to the applicant's request for Final Approval. No right of occupancy shall, however, exist until such time as Final Plan approval shall have been granted in accordance with the procedures and informational requirements of this Ordinance. Complete final building plans shall also be submitted as part of the Final Plan application.
- 4.1303 Recording Requirement. No person shall sell, transfer, lease or agree or enter into an agreement to sell or lease any land and/or building or interests in the individual dwelling units to be created, unless Final Plan approval has been granted and the Final Plan has been recorded in the Office of the Wayne County Recorder of Deeds.
- 4.1304 Location. There shall be a one-hundred (100) foot setback of all buildings and improvements in multi-family dwelling project from the property lines of any adjacent parcels and a seventy-five (75) feet setback from any public right-of-way. This shall not apply to utility lines or rights-of-way, however.
- 4.1305 Land Area Per Dwelling Unit. Density of dwelling units in multi-family projects must maintain an overall density based upon sewage treatment methods as provided for in Section 4.102.2.
- 4.1306 Recreation Areas and Common Open Space. All areas of a multi-family development not conveyed to individual owners; and not occupied by buildings and required or proposed improvements shall remain as permanent common open space or be dedicated to recreation area to be used for the sole benefit and enjoyment of the residents of the particular units being proposed. Such open space shall be part of the same parcel and contiguous and shall be subject to the following regulations:
- 4.1306.1 Recreation areas shall be immediately adjacent to the proposed units and freely and safely accessible to all residents of the development and shall not be used to fulfill open space requirements or provide recreational areas for residents of other units, excepting those provided for in sub-section (2) below. No less than 50% of the open space to be provided shall be dedicated to recreational area for the sole benefit and enjoyment of the residents of the particular units proposed.
- 4.1306.2 Land designated simply as open space shall be maintained as open space and may not be separately sold, used to meet open space or recreation area requirements for other developments, subdivided or developed excepting that a holding zone may be reserved for future development pursuant to such density requirements as presently exist, provided such lands are specifically defined and indicated as "reserved for future development" on all plats.
- 4.1306.3 Common open space areas shall be maintained so that their use and enjoyment

as open space are not diminished or destroyed. Such areas may be owned, preserved and maintained by either one or both of the following mechanisms:

- 4.1306.3.1 Dedication to a property owners association which assumes full responsibility for maintenance of the common open space.
- 4.1306.3.2 Deed-restricted private ownership which shall prevent development of the common open space, provide for its' maintenance and protect the rights of owners or occupants of dwelling units to use and enjoy, in perpetuity, such portion of the common open space as shall have been dedicated to recreation area for the project. This is intended to allow the owner/developer to retain ownership and use of a portion of the property (for hunting, fishing, etc.) provided the permanence of the common open space is guaranteed.

Whichever mechanism(s) may be used, the developer shall submit with the preliminary plan a draft for the perpetual maintenance of the open space and also the use and enjoyment of the recreation area by residents of the units being approved. No lots shall be sold nor shall any building be occupied until and unless such arrangements or agreements have been finalized and recorded.

- 4.1306.4 At least fifty (50) percent of the designated recreation area shall be usable for active recreational activities and shall not include swamps, quarries, slopes over 24% in grade, or acreage used for improvements. Storm drainage facilities and sewage effluent disposal areas are considered improvements.
- 4.1306.5 Developments of 50 units or more shall also provide one-half acre of parks and playgrounds per 50 units.

4.1307 Design Criteria. The following design criteria shall apply to multi-family developments:

- 4.1307.1 There shall be no more than eight (8) dwellings in each multi-family building.
- 4.1307.2 No structure shall be constructed within twenty (20) feet of the edge of any access road to or through the development or within ten (10) feet of the edge of any parking area.
- 4.1307.3 Access roads through the development shall comply with street requirements as specified in this ordinance and no parking space shall be designed such that a vehicle would be backing or driving out onto a through road. Instead, there shall be a defined entrance and exit to and from each parking area.
- 4.1307.4 One and one half improved parking spaces per dwelling unit shall be provided.
- 4.1307.5 No more than sixty (60) parking spaces shall be provided in one lot, nor more than fifteen (15) in a continuous row without being interrupted by landscaping. All off-street parking shall be adequately lighted and so arranged as to direct light away from residences.

- 4.1307.6 No structure shall be erected within a distance equal to its own height of any other structure.
- 4.1307.7 Where a property line is not wooded, a planting strip of fifty (50) feet in width shall be required to buffer adjoining property owners and ensure privacy. A landscaping plan shall be prepared by the developer and approved by the planning agency.
- 4.1307.8 Multi-family developments shall be subject to the stormwater management requirements of this ordinance.
- 4.1308 Non-Residential Uses. Non-residential uses shall not be permitted in a multi-family development unless planned as part of a Planned Residential Development. This, however, shall not preclude such ancillary facilities as laundry areas, service buildings, recreational facilities and the like. Where a developer proposes to construct multi-family units on property on which there are existing or proposed non-residential uses (other than ancillary facilities and common open space uses) there shall be a minimum setback of the multi-family structures from such uses of two hundred (200) feet and the parcels shall be clearly segregated.
- 4.1309 Conversions of Existing Structures. Conversions of motels, hotels or other existing structures to multi-family dwelling use regardless of whether such conversions involve structural alterations, shall be considered subdivisions and land developments and be subject to this ordinance. If the proposed project does involve structural alterations, the Preliminary Plan shall include a certification of a registered architect or engineer to the effect that the existing building is structurally sound and that the proposed conversion will not impair structural soundness.
- 4.1310 Maintenance of Common Facilities.
- 4.1310.1 Maintenance of a multi-family dwelling project shall be vested (1) an association or other legal entity organized prior to the offering of the first unit for occupancy, or (2) a manager, who may be the developer, or a person designated by the developer before the developer offers a unit for occupancy, or (3) the owners or occupants of units themselves if the total number of owners or occupants within the development is not more than five (5).
- 4.1310.2 The association or manager, as the case may be, shall be responsible for maintenance, repair and replacement of the common areas of the development including buildings and, if applicable, the furniture, fixtures and equipment within the units. The project instruments shall specify the expenses which the maintenance organization may incur and collect from purchasers as a maintenance fee and secure maintenance of the project as well as enforcement of applicable covenants and restrictions in perpetuity. The County may require that a Certified Public Accountant review such financial data for purposes of determining that proposed fees are, in fact, adequate to secure maintenance on a continuing basis.
- 4.1310.3 The developer shall, in filing a Preliminary Plan, provide a narrative description of how responsibility for maintenance and care of the units, common areas and other amenities will be assured and a pro forma operating budget for the maintenance organization including a breakdown of the common expense to be borne by the maintenance organization and a

separation of long-term maintenance costs from on-going routine maintenance costs. There shall also be provided a narrative description of how the developer proposes to assure maintenance and care of the units and common facilities during any sales program, based on which the County may require additional temporary facilities to accommodate service demands. Copies of all applicable instruments shall be provided for purposes of determining that long-term arrangements for maintenance of common facilities have, in fact, been made by the developer and/or with the occupants.

- 4.1310.4 Any developer who proposes to construct multi-family dwellings for transient use under the terms of this ordinance and who proposes to convey the common elements of said multi-family dwelling project to an association of purchasers of units therein shall submit a maintenance bond or other performance guarantee acceptable to the County Solicitor ensuring long-term maintenance and repair of said common elements. Such maintenance bond or other guarantee shall;
  - 4.1310.4.1 Be for a period of not less than fifteen (15) years from the date of the final approval of said multi-family dwelling-transient use by the planning agency;
  - 4.1310.4.2 Be in an amount equal to the amount collected or to be collected for long-term maintenance (as indicated in the budget referenced above) by the developer or other responsible parties from each purchaser during the first year after sales to such purchases begin, multiplied by the total number of expected purchasers.
- 4.1310.5 If the development shall be subject to the Pennsylvania Uniform Condominium Act or other applicable Commonwealth statutes governing the sale of real property used for multi-family occupancy, the developer shall certify as to his or her compliance with said statutes. To the extent the provisions of such statutes conflict with this sub-section such certifications shall suffice as to conformance with these requirements. If a developer is not subject to the Pennsylvania Uniform Condominium Act he or she shall present an Attorney's opinion to this effect.

## **ARTICLE V**

### **SPECIAL APPROVALS**

- 5.000 **SPECIAL APPROVALS** - This Article sets forth various approvals which are not addressed within other articles of this Ordinance.
- 5.100 **GENERAL** - Where provisions of this Article differ from or are not addressed in other articles of this Ordinance, the provisions of this Article shall apply. All special approvals shall be subject to the provisions of other articles of this Ordinance.
- 5.200 **CONDITIONAL APPROVAL**
- 5.201 The Planning Commission may decide when considering an application to offer the applicant a conditional approval. If the Planning Commission decides to make such an offer to the applicant, the Planning Commission shall specify in writing to the applicant the conditions and the time within which he may accept the same.
- 5.202 After the notice required under Section 5.201 has been sent to the applicant, a conditional approval shall be granted within the time specified by said notice if:
- 5.202.1 Both the Planning Commission and the applicant enter into a written agreement which conforms with the provisions of Section 5.203 herein; and
- 5.202.2 Said written agreement is filed with the Department of Planning within a time period established by the Planning Commission; and
- 5.202.3 Provided no condition specified in the agreement shall in any way negate or vary the requirements of this Ordinance as they shall pertain to the application.
- 5.203 The agreement between the applicant and the Planning Commission shall contain the following information:
- 5.203.1 Statement of conditions.
- 5.203.2 A time period established by the Planning Commission in which the applicant must agree to the conditions of approval.
- 5.203.3 Signatures required include those of the applicant, chairperson of the Planning Commission, and a witness.
- 5.203.4 The Planning Commission shall determine a time period in which the applicant must complete the conditions as set forth with the approval. Failure to complete the conditions within the time frame established by the Planning Commission without requesting and receiving an extension of time will result in an automatic revocation of approval.

### **5.300 ADDITION**

5.301 An addition shall be considered as a minor subdivision or land development.

5.302 Required supporting material for an addition:

5.302.1 A letter of intent, signed by the applicant, including a statement that the application is for an addition.

5.302.2 No planning module shall be required if the remaining lands from the parcel where the addition was taken contains an existing septic system or the remaining land contains a currently acceptable sewage testing area that was previously approved by the municipality and the D.E.P. Documentation confirming the acceptability of prior testing is required.

5.302.3 Two (2) deed descriptions shall be recorded after approval of the plat. The first deed description will include the acreage being conveyed as an addition to the parent parcel of the grantee. The second deed description will describe the parent parcel and the addition as one (1) lot. Copies of the proposed deed language shall be submitted with any application.

### **5.400 REAPPROVAL**

5.401 A reapproval may be granted by the planning agency which initially granted the approval.

5.402 Required supporting material for a reapproval:

5.402.1 A letter of intent, signed by the applicant, including a statement that the application is for reapproval. The letter shall also contain a statement indicating that the submission for reapproval has not been altered in any way from the original submission that had been previously approved.

5.402.2 No planning module shall be required.

### **5.500 LOT OF RECORD**

5.501 Approval may be granted to a lot of record for a major subdivision or land development by the Planning Commission; for a minor subdivision or land development by the Director of Planning, or his designee.

5.502 Required supporting material for a lot of record:

5.502.1 A letter of intent, signed by the applicant, including a statement that the application is for a lot of record. The applicant shall also provide evidence that the parcel in questions is, in fact, a lot of record.

5.502.2 No planning module shall be required.

**5.600 CHANGE IN LOT LINES**

5.601 A change in lot lines shall be considered as a minor subdivision or land development.

5.602 Required supporting material for a change in lot lines:

5.602.1 A letter of intent, signed by the applicant, including a statement that the application is for a change in lot lines.

5.602.2 No planning module shall be required.

**5.700 UN-SUBDIVISION**

5.701 An un-subdivision shall be considered as a minor subdivision or land development.

5.702 Required supporting material for an un-subdivision:

5.702.1 A letter of intent, signed by the applicant, including a statement that the application is for an un-subdivision.

5.702.2 No planning module shall be required.

## ARTICLE VI

### MOBILE HOME PARKS

- 6.000 **MOBILE HOME PARKS** - This Article contains provisions setting forth minimum standards for the design, construction, alteration, and extension of mobile home parks and related utilities and facilities.
- 6.100 **CLASSIFICATION** - Mobile home parks shall be considered as major subdivisions or land developments and shall be subject to the provisions of other articles of this Ordinance. Where the provisions of this Article differ from or are not addressed in those other articles of this Ordinance, the provisions of this Article shall apply to the mobile home park.
- 6.101 Type of Park – The developer shall provide to the satisfaction of the County evidence of the provision for the succession of ownership and responsibility for maintenance of development improvements and/or common areas. The type of mobile home park shall be clearly stated in the application and on the map.
- 6.101.1 Lots for lease – In the case of mobile home parks where lots will be for lease only, provisions shall be in the form of deed covenants and restrictions clearly placing the responsibility of maintenance of all park improvements and common areas with the owner of the mobile home park.
- 6.101.2 Lots for sale – In the case of mobile home parks involving the transfer of lot ownership, the Developer shall provide, by deed covenants and restrictions, for the creation of a property owners association to assume the ultimate ownership of all development maintenance of such improvements and common areas. Membership in the property owners association shall be mandatory for all lot owners in the park.
- 6.200 **PLAT REQUIREMENTS** - In addition to the requirement of Section 3.200 of this Ordinance, the following additional information shall be provided by the applicant on both the preliminary and final plats:
- 6.201 Location and dimension of all mobile home stands or pads.
- 6.202 Location and dimension of all off-street parking areas.
- 6.203 Location and specifications for all pedestrian ways and sidewalks.
- 6.204 Location of proposed common open space.
- 6.205 Location and specifications for all plantings and landscaping.
- 6.206 Location, dimension, and proposed use of all service and accessory buildings.
- 6.300 **DESIGN STANDARDS** - In addition to the requirements of Article IV of this Ordinance, the following design standards shall apply:
- 6.301 Mobile home lots within the park shall have a minimum area of 5000 square feet.



- 6.302 Mobile home lots within the park shall have a minimum width of 50 feet.
- 6.303 Where no zoning, building permit, or other ordinance governing building setbacks exist, they shall be not less than the following:
  - 6.303.1 Twenty-five (25) feet from the street right-of-way.
  - 6.303.2 Fifteen (15) feet from rear and side property lines.
- 6.304 A minimum of 20% of the tract, excluding streets and parking areas, shall be provided for common open space.
- 6.305 Central sewage or community subsurface sewage disposal facilities shall be required.
- 6.306 Public or community water service facilities shall be required.
- 6.307 A minimum of two (2) off-street parking spaces with a minimum area of 180 square feet per space shall be provided for each lot.
  - 6.307.1 Minimum 6 inches of gravel for each parking space.
- 6.308 Individual water riser pipes shall be provided on each mobile home stand or pad.
- 6.309 Design provisions shall be made to prevent freezing of service lines, valves, and riser pipes and to protect them from heaving and thawing actions of the ground.
- 6.310 A shut-off valve below the frost line shall be provided on each mobile home lot.
- 6.311 Individual sewer riser pipes shall be provided on each mobile home stand or pad.
- 6.312 All fuel oil and liquefied petroleum gas systems provided for mobile homes, service buildings, or other structures shall be installed in conformity with any applicable rules and regulations.
- 6.313 Fire hydrants shall be installed within 600 feet of any mobile home, service building, or other structure.
- 6.400 **FLOOD PLAIN REGULATIONS** - All proposed mobile home parks and expansions of existing mobile home parks within designated one-hundred (100) year flood plains shall meet the following requirements, in addition to the regulations contained within this Ordinance and all other applicable regulations:
  - 6.401 Stands or pads shall be elevated so that the floor of each mobile home will be above the regulatory flood elevation.
  - 6.402 Access for a mobile home hauler shall be provided.
  - 6.403 When mobile homes are to be elevated on pilings, lots shall be large enough to permit steps. Piles shall be placed in stable soil no more than 10 feet apart, and reinforcement shall be provided for pilings more than 6 feet above ground level.

6.404 All mobile homes shall be anchored in accordance with accepted engineering practices to resist floatation, collapse, or lateral movement by providing over-the-top ties to ground anchors.

6.404.1 Over-the-top ties shall be provided at each of the two (2) ends of the mobile home.

6.404.2 Any additions to a mobile home shall be similarly anchored.

6.500 **IMPROVEMENTS** - In addition to the requirements of Article X of this Ordinance, all mobile home parks shall be required to have installed the following as a minimum:

6.501 Mobile home stands or pads.

6.502 Off-street parking areas.

6.503 Fire hydrants.

6.504 Water riser pipes.

6.505 Water shut-off valves.

6.506 Sewer riser pipes.

6.507 Mobile home anchors, if any required.

## ARTICLE VII

### RECREATIONAL LAND DEVELOPMENTS

- 7.000 Recreational Land Developments – This Article contains provisions setting forth standards for the design, construction, alteration, and/or extension of recreational land developments and related utilities and facilities for any recreational land development purposes.
- 7.100 Classification – Recreational land developments shall be considered major subdivisions and land developments and shall be subject to the provisions of other articles of this Ordinance. Where the provisions of this Article differ from or are not addressed in those other articles of this Ordinance, the provisions of this Article shall apply to the recreational land development. Recreational land developments due to its consideration as a major subdivision or land development shall require separate and distinct preliminary and separate and distinct final plan submissions as provided for within this Ordinance.
- 7.200 Plat Requirements – In addition to the requirements of Article III – Procedures, Specifications and Supporting Materials, Section 3.207 Final Plat Specifications of this Subdivision and Land Development Ordinance, the following plat requirements shall apply:
- 7.201 Location and dimensions of all Recreational Land Development lots or camping sites.
  - 7.202 Location and specifications for all pedestrian ways and sidewalks.
  - 7.203 Location and dimensions of all off-street parking areas.
  - 7.204 Location of all proposed common open space.
  - 7.205 Location and specifications of all plantings and landscaping.
  - 7.206 Location, specifications and proposed use of all service and accessory buildings.
- 7.300 Design Standards – In addition to the requirements of Article IV – Design Standards of this Subdivision and Land Development Ordinance, the following design standards shall apply.
- 7.301 Recreational land developments shall have a gross area of at least five (5) contiguous acres of land in single ownership or under unified control.
  - 7.302 Recreational land development lots or camping sites shall be at least fifty (50) feet wide and one hundred (100) feet deep, excepting transient recreational land developments which may be clustered. Gross density, however, shall not exceed a total of eight (8) sites per acre for the development. Frontages on cul-de-sacs may be varied.
  - 7.303 Individual recreational land development lots or camping sites shall be separated from service building structures and other occupied buildings and structures by a minimum distance of fifty (50) feet. Also, notwithstanding screening requirements, no recreational vehicle or tent platform shall be located closer than

twenty-five (25) feet to the street right-of-way; closer than twenty-five (25) feet to any other recreational vehicle or tent platform; or two-hundred (200) feet to any adjacent property line.

- 7.304 All recreational land developments shall provide and maintain a vegetative screening strip or natural growth, along the exterior property boundary lines. Such screening shall be at a depth of not less than twenty (20) feet, to effectively screen the area within a reasonable (5-10 years) time period. A planting plan specifying types, size and location of existing and proposed plant material shall be required.
- 7.305 A minimum of two (2) off-street parking spaces with a minimum area of two-hundred (180) square feet per space shall be provided for each lot.
- 7.306 No individual on-site sewage shall be permitted and all community systems for the common use of each site identified within the recreational land development shall comply as evidenced by approved plans, with the standards imposed by the Pennsylvania Department of Environmental Protection.
- 7.307 No individual on-site water system shall be permitted, and all community systems for common use of each site identified within the recreational land development shall comply as evidenced by approved plans, with the standards imposed by the Pennsylvania Department of Environmental Protection.
- 7.308 Streets and roadways within a recreational land development shall conform to the standards as set forth in this Ordinance.
- 7.309 A minimum of twenty (20) percent of the recreational land development, excluding streets and parking areas shall be provided for common open space.
- 7.310 Fire hydrants shall be installed within six-hundred (600) feet of any service building or structure within a recreational land development. Fire hydrants shall be maintained and inspected in accordance with the local fire company.
- 7.311 If electric service is proposed to be provided within the recreational land development to individual sites or proposed sections it shall be required to be installed underground.
- 7.400 Flood Plain Regulations – All proposed recreational land developments and expansion of existing recreational land developments within designated one-hundred (100) year flood plains shall meet the requirements as set forth in this Subdivision and Land Development Ordinance as well as all other applicable Local and State regulations.
- 7.500 Supplemental Regulations – The operational standards contained in Section 7.500 Supplemental Regulations shall be incorporated in restrictive covenants attached to the deeds for lots in non-transient recreational land developments and shall be made part of a management plan for any transient recreational land development. A management plan shall be required for all recreational land developments and restrictive covenants incorporating the standards of this Section shall be required of all non-transient recreational land developments. A plan or set of covenants which does not adequately provide for conformance with this Section shall not be approved. This provision shall also include that any enforcement undertaken may include a request for any or all cost

of enforcement including but not limited to filing costs, service costs, misc. cost and/or legal fees.

- 7.501 Appurtenances – No permanent external appurtenances, such as carports, cabanas, or patios, may be attached to any travel trailer or other recreational vehicle parked in a recreational land development, and the removal of wheels or placement of the unit on a foundation in such a park is prohibited.
- 7.502 Location – A recreational land development shall be so located that no entrance or exit from a park shall discharge traffic into a densely populated residential area exceeding one dwelling unit per acre, nor require movement of traffic from the park through such an area to obtain access to a public highway. A minimum of 150 feet of frontage on a State or Local road shall be required.
- 7.503 Entrances and Exits – Entrances and exits to recreational land developments shall be designed for safe and convenient movement of traffic into and out of the park, and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle (less than seventy (70) degrees measured along intersecting centerlines) for vehicles moving in the direction intended, and the radii of curbs and pavements at intersections shall be such to facilitate easy turning movement for vehicles with trailer attached. No intersection of an entrance and/or exit with a State or Local road shall be located where less than 500 feet of sight distance exists in either direction along the State or Local road, nor shall such intersection be located within 150 feet of any other intersection.
- 7.504 Parking Areas – In connection with the use of any recreational land development, no parking, loading or maneuvering incidental to parking or loading shall be permitted on any public street, sidewalk, required buffer, right-of-way or any public grounds or any private grounds not part of the recreational land development, unless the owner has given written permission for such use. Each recreational land development operator shall provide off-street parking, loading and maneuvering space. The owner shall be responsible for the violation of these requirements.
- 7.505 Occupancy – Campsites shall be used only for camping purposes. No improvement or any mobile home designed for permanent occupancy shall be erected or placed on any campsite. All recreational vehicles in the development shall be maintained in a transportable condition at all times. An action toward removal of wheels or to attach the recreational vehicle to the ground for stabilizing purposes is hereby prohibited. Moreover, no campsite shall be occupied for more than 12 consecutive months, and no campsite shall be the primary and principal residence of the owner or any other occupant; each campsite to be used and occupied (excepting occasional guests) for camping and recreational purposes only by a single household. Wayne County may require any owner to remove a recreational vehicle from the campground for a period of 7 days, unless such owner can establish a prior removal within the immediately preceding 12 months. These requirements shall be attached to each campsite sale or membership in non-transient Recreational Land Developments by restrictive covenant, management plan and/or rules and regulations.

- 7.506 Records – The management of every recreational land development shall be responsible for maintaining accurate records concerning the occupancy of all campsites. The term “management” shall include associations of property owners when such are responsible for maintenance and operation of common facilities. Wayne County shall have access to, and the right to inspect, records for evidence of permanent residency or lack thereof. Wayne County shall, in addition, have the authority, when any provision of this Article is violated, to prohibit the occupancy of any and all campsites in a recreational land development until the owners and/or management provide evidence of compliance with these provisions. Any and all expenses, fees or cost associated therewith may be sought by Wayne County in any legal proceeding.
- 7.507 Sanitary Waste Disposal – No owner or occupant of any campsite or Recreational Land Development lot shall permit or allow the dumping or placement of any sanitary or other waste anywhere upon any campsite or elsewhere within the development, except in places designated therefore. No outside toilets shall be erected or maintained on any campsite. Plumbing fixtures within any recreational vehicles placed upon lots in the recreational land development shall be connected to the sewage disposal system for the development. Sanitary facilities, including toilets, urinals and showers, shall be provided within six-hundred (600) feet of each lot or campsite.
- 7.508 Fences – All property lines within the recreational land development shall be kept free and open.
- 7.509 Nuisances – No noxious or offensive activities, noises or nuisances shall be permitted on any campsite.
- 7.510 Animals – No animals shall be kept or maintained on any campsite, except the usual household pets. Pets shall be kept confined so as not to become a nuisance.
- 7.511 Garbage and Refuse Disposal – No person shall burn trash, garbage or other like refuse on any campsite. All such refuse shall be placed and kept in airtight receptacles for the same. No owner shall permit the accumulation of litter or refuse.
- 7.512 Camping Accessories – Notwithstanding any provisions herein contained to the contrary, picnic tables, benches, storage sheds, fire boxes or fireplaces and similar items of personal property, may be placed on a campsite. All personal property on a campsite shall be maintained in good condition so as not to become unsightly.
- 7.513 Ditches and Swales – In the absence of curbs and gutters each owner shall keep drainage ditches and swales located on his campsite free and unobstructed and in good repair, and shall provide for the installation of such culverts upon his campsite as may be reasonably required for proper drainage. He shall also prevent erosion on his campsite.
- 7.514 Drilling and Mining – No drilling, refining, quarrying or mining operation of any kind shall be permitted, nor shall drilling for water or digging of water wells be permitted on any individual campsite.

7.515 Vehicle Parking – No recreation vehicle shall be parked on any street or roadway within the recreational land development.

7.516 Fire Rims – Each campsite fireplace shall be provided with a fire rim of concrete construction at least eight (8) inches in height to contain the fire.

7.517 Water Supply – Potable water drinking fountains shall be provided within three-hundred (300) feet of each campsite.

#### 7.600 Permits

##### 7.601 General

7.601.1 It shall be unlawful for any landowner, association or other person to maintain, construct, alter or extend any recreational land development within the jurisdiction of this Ordinance unless a valid permit has been issued by Wayne County.

7.601.2 Wayne County shall issue a permit which contains the number of recreational land development sites and site locations (as numbered on the approved final plat), that may be occupied. The permit shall remain valid for one (1) year or until the County establishes an annual renewal date for all recreational land development permits. The initial permit shall be updated at the time of renewal to reflect any changes in the existing recreational land development.

7.601.3 Permit fees – A schedule of permit fees shall be established by the Wayne County Commissioners by resolution.

7.602 Permit Issuance – Wayne County shall issue a permit to continue the operation of a recreational land development if the following conditions are met:

7.602.1 No site within the recreational land development is in violation of this subdivision and land development Ordinance or any other Ordinance.

7.602.2 No site is maintained in an unsightly or unsanitary manner.

7.602.3 The recreational land development was inspected by Wayne County or their designee and was found to be in compliance with Section 7.602.1.

7.602.4 That all fees to cover inspections are paid to Wayne County. Said fees are established on an annual basis by resolution.

7.700 Application to Existing Recreational Land Developments – The regulations contained within Article VII – Recreational Land Developments shall apply to any extensions of existing Recreational Land Developments, including increases in the number of lots or available spaces, even though no addition to total land area is involved.

## ARTICLE VIII

### MODIFICATIONS

#### 8.000 **Modifications**

8.100 **GENERAL** - The Planning Commission shall have the power to authorize such adjustments or modifications from the provisions or requirements of these regulations as will not be contrary to the public interest and will maintain the spirit and original intent of this Ordinance.

8.200 **APPLICATIONS** - Applications for such modifications shall be submitted in writing by the applicant, or agent of the applicant, during final plan submission for minor subdivisions and land developments, and preliminary plan submission for major subdivisions and land developments. Modifications for both minor and major subdivisions and land developments will be processed by the Planning Commission. The request should state, in full, the grounds and facts of unreasonableness or hardship upon which the request is based, the provisions of this Ordinance involved, and the exact modification being requested.

8.300 **MODIFICATION APPROVAL** - The Planning Commission may grant a modification from these regulations when the literal compliance with mandatory provisions of this Ordinance is shown, to the satisfaction of the Planning Commission, to be unreasonable, to cause undue hardship, or when an alternative standard can be demonstrated to provide equal or better results. In determining whether the modification should be granted, the Planning Commission shall consider whether a literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question. The Planning Commission shall also determine that such modification will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed.



## **ARTICLE IX**

### **FEES**

- 9.000 **FEES** - At the time an application for approval is submitted, a fee shall be paid to the Wayne County Department of Planning by the applicant, such fee to be determined from a schedule of fees as adopted by the Wayne County Commissioners by resolution.

## ARTICLE X

### IMPROVEMENTS

10.000 **IMPROVEMENTS** - Physical improvements to the proposed subdivision or land development shall be provided, constructed, and installed by the applicant. All improvements shall be constructed in accordance with the design specifications of this Ordinance or, as applicable, those of the Pennsylvania Department of Transportation, Department of Environmental Protection or such other federal, state, county, or local municipal agency having jurisdiction.

10.100 **MINOR SUBDIVISIONS AND LAND DEVELOPMENTS** - All minor subdivisions or land developments shall be required to have installed the following as a minimum:

10.101 Lot corner and/or line markers and wooden stake witnesses.

10.102 Individual on-lot sewage disposal facilities shall not be deemed part of the required improvements of this Ordinance.

10.103 Individual on-lot water supply and distribution systems shall not be deemed part of the required improvements of this Ordinance.

10.200 **MAJOR SUBDIVISIONS AND LAND DEVELOPMENTS** - All major subdivisions or land developments shall be required to have installed the following as a minimum:

10.201 Lot corner and/or line markers and wooden stake witnesses.

10.202 Sewer service facilities.

10.202.1 Individual on-lot sewage disposal facilities shall not be deemed part of the required improvements of this Ordinance.

10.203 Water service facilities.

10.203.1 Individual on-lot water supply and distribution systems shall not be deemed part of the required improvements of this Ordinance.

10.204 Erosion and sedimentation control measures, facilities, and restoration work, if any required.

10.205 Storm water management facilities, if any required.

10.206 Flood plain management measures, if any required.

10.207 All grading, excavation, and filling.

10.208 Streets: including sub-base, shoulders, ditches, culverts, base course, surface course, and grading.

10.209 Street signs.

10.210 Trenching for underground utility lines, when necessary, unless exempted therefrom by the Pennsylvania Public Utility Commission.

- 10.211 Fire hydrants, if any required.
- 10.212 Bridges, if any required.
- 10.213 Sidewalks and curbs, if any required.

## **ARTICLE XI**

### **IMPROVEMENT GUARANTEES**

#### **11.000 IMPROVEMENT GUARANTEES**

##### **11.100 COMPLETION OF IMPROVEMENTS OR GUARANTEE THEREOF, PREREQUISITE TO FINAL PLAT APPROVAL -**

No plat shall be finally approved unless the streets and other improvements required by this ordinance have been installed in accordance with this ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plat, the applicant/developer shall deposit with the county a financial security in an amount sufficient to cover the costs of such improvements. Such guarantee shall be consistent with Act 247, Section 509.

##### **11.200 RELEASE FROM IMPROVEMENT BOND -**

When the applicant/developer has completed all of the necessary and appropriate improvements, the applicant/developer shall notify the county, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy to the County Engineer. Release from the financial guarantee shall be consistent with the procedures and requirements of Act 247, Section 510.

##### **11.300 REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS -** In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved final plat, the County is hereby granted the power to enforce any corporate bond or other security by appropriate legal and equitable remedies. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the County may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the applicant, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

## ARTICLE XII

### ADMINISTRATION, ENFORCEMENT, AND PENALTIES

#### 12.000 ADMINISTRATION, ENFORCEMENT, AND PENALTIES

##### 12.100 AMENDMENTS TO THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE

**(ACT 247)**-All Pennsylvania laws enacted which amend the Pennsylvania Municipalities Planning Code shall automatically supersede and amend those portions of this Ordinance which are affected by such enacted laws, unless specifically not intended or mandated to do so under the law.

12.200 **AMENDMENTS** - Amendments to this Ordinance by the Commissioners shall become effective only when enacted in the manner prescribed by the Pennsylvania Municipalities Planning Code following public notice.

12.300 **APPEALS** - The decisions with respect to the approval or disapproval of subdivision and land development plans may be appealed, as is provided for in the Pennsylvania Municipalities Planning Code.

12.400 **ENFORCEMENT** - In addition to those who may, by law, have the authority to enforce and/or prosecute, it is specifically designated that it shall be the duty of the Planning Commission and the Department of Planning to administer this Ordinance on behalf of the Commissioners.

12.500 **PENALTIES AND PREVENTIVE REMEDIES**- The County may, in addition to all other remedies herein provided, enforce the provisions of this Ordinance either in law or in equity for the purpose of carrying out the intent of this Ordinance as provided in Act 247, Section 515, as amended.

12.600 **CONTINUATION** - The modification or repeal of any prior ordinance, resolution, or regulation by this Ordinance shall not annul or otherwise relieve any party from any permit issued, condition imposed, approval granted, approval denied, order issued, or violation, penalty, or other liability incurred pursuant to such affected ordinance, resolution, or regulation.

## ARTICLE XIII

### ENACTMENT

#### 13.000 ENACTMENT

13.100 **SEVERABILITY** - If any section, subsection, or requirement of this Ordinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the legality of the remaining provisions of this Ordinance or of this Ordinance as a whole.

13.200 **REPEALER** - The "Subdivision and Land Development Ordinance of Wayne County, Pennsylvania" which was adopted July 17, 1984, as amended, is hereby repealed.

Ordained and enacted into an Ordinance this 7<sup>th</sup> day of November, 2002.

WAYNE COUNTY COMMISSIONERS

by Anthony V. Herzog, Chairman

Donald E. Chapman

Mark A. Graziadio

ATTEST: Reg Wayman, Chief Clerk